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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 74
PROTECTION AND SECURITY OF
SMALL STATES

SECURITY COUNCIL
Fiftieth year

Letter dated 15 March 1995 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General

I have taken note of the various letters sent to you by the Under-Secretary for International Organizations of the Ministry of Foreign Affairs of Ecuador and that country's Permanent Representative in connection with the regrettable armed incident that occurred in the area of the headwaters of the Cenepa river, the same letters which, at the request of Ecuador, have been distributed under agenda item 74 of the forty-ninth session of the General Assembly.

Without referring to the relevance of the agenda item under which these letters have been distributed, I wish to state that, in my opinion, the best way for the international community and, in particular, each State to ensure their security and protection is to act with full respect for international law, especially agreements with neighbouring countries, and behave in accordance with the truth in the community of nations.

The unconditional rule of the principles of international law and the application of the system of collective security on an equal basis to all States in accordance with the Charter of the United Nations are effective guarantees of international security. In view of the sovereign equality of States, it is the task of the United Nations to safeguard the security of all States without exception.

In that context, Peru shares the international concern about the protection and security of small States. Nevertheless, it recognizes that there is no clear definition of the concept of a small State or unanimity on the advisability of officially establishing within the United Nations the special status of small States. Nor is it possible, therefore, to determine at this stage which Member States could be given special protection and assistance by

the United Nations, on the basis of which claims would be made for protection and security which would differ in legal and political terms from those set forth in the Charter and recognized in the United Nations system.

The attempt to use agenda item 74 of the General Assembly in order to legitimize aggressive actions carried out in disregard of international treaties concerning borders cannot be tolerated because it will adversely affect the future consideration of the question of the protection and security of States in general.

In view of the truthfulness with which our Organization's agenda items must be considered, I must refer to the above-mentioned letters.

In the letter of 2 February 1995 (see A/49/844-S/1995/101, annex), the Under-Secretary for International Organizations of the Ministry of Foreign Affairs of Ecuador distorts a number of facts and takes the liberty of stating in conclusion that Peru is "an aggressor State, whose actions are endangering international peace and security".

As he is eminently aware, resolution 3314 (XXIX), adopted by the General Assembly in 1974, defines aggression as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any manner inconsistent with the Charter of the United Nations" and stresses that "the invasion or attack by the armed forces of a State or the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" qualify as an act of aggression.

This means that the expropriation of the territory of a State - however temporary - is a basic element for defining an act of aggression. In view of the foregoing and the fact that the actions occurred in the area of the headwaters of the Cenepa river, which is situated entirely on the eastern side of the Cordillera del Cóndor - that is, in Peruvian territory - the term aggressor State cannot be applied to my country.

Furthermore, the second letter (A/49/855-S/1995/154), addressed to you from the Permanent Representative of Ecuador and dated 23 February 1995, goes so far as to accuse my country, again without furnishing any proof, of having used "chemical and other weapons which are banned because of their indiscriminate and inhumane effects".

In this connection, in addition to strongly denying that falsehood, I wish to recall that Peru has, for decades now and in a particularly active manner, expressed its rejection of chemical and other weapons of mass destruction (nuclear and bacteriological weapons). Thus, my country is a contracting party to the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare and was one of the 37 countries that negotiated at the Geneva Conference on Disarmament the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted in 1992.

In December 1991, taking into account the limitations of the 1925 Protocol and the period of time necessary for the Convention being negotiated in Geneva to enter into force, the President of Peru, Alberto Fujimori, proposed to the Heads of State of the Andean countries the Cartagena Declaration on the Renunciation of Weapons of Mass Destruction, which explicitly prohibits the possession, production, development, use, testing and transfer of chemical and other weapons of mass destruction, which was unanimously adopted. More recently, as a sign of the interest in the Convention referred to, my country organized, in September 1994, a regional seminar for delegates from Latin America and the Caribbean for the purpose of promoting its speedy ratification and satisfactory implementation in our region. I have mentioned the foregoing merely to suggest that every assertion must be duly supported.

With regard to conventional weapons - such as those used in the area of the headwaters of the Cenepa river - it would not be inappropriate to bear in mind the fact that Ecuador has failed to comply with the obligation to submit its reports to the United Nations Registry of Conventional Arms and the United Nations System for the Standardized Reporting of Military Expenditures, which is an easily verifiable indicator showing which of the two parties is making preparations in order to breach the peace.

Unfortunately, the inaccuracies contained in the letters referred to earlier are not the only ones with which the Ecuadorian Government has been misinforming public opinion. The international community also was surprised by the accusation made by the Ecuadorian Government on 28 January 1995 to the effect that Peruvian forces had utilized in the area of conflict helicopters provided by the Government of the United States of America for use in the fight against drug trafficking, an accusation which was speedily denied by the United States Government, which stated "the information disseminated in official communication No. 9 issued by the National State Secretariat of Communication, Office of the President of the Republic of Ecuador, is totally false", forcing the Ecuadorian Government to retract the accusation subsequently.

More recently, on 9 March 1995, the General Director of Maritime, Air and Space Sovereignty of the Ecuadorian Ministry of Foreign Affairs and an official acting in a liaison capacity between his Government and the Observer Mission, informed the EFE News Agency that Peru had imposed "a sort of obstacle, using delaying tactics in order to prevent the speedy arrival of the observers" in drawing up the document on the procedures for implementing the cease-fire agreed upon in the Itamaraty Peace Declaration, an inaccuracy which was corrected when the document on procedures was signed on 10 March 1995 by the Secretary-General of the Ministry of Foreign Affairs of Brazil in his capacity as Coordinator of the Group of Guarantors of the Rio de Janeiro Protocol, who stated that Peru had demonstrated its readiness to sign the document on Wednesday, 8 March.

Lastly, I should like to request you to have this letter and its annex, which contains a brief chronology of the unfortunate events that occurred in Peruvian territory, distributed as a document of the General Assembly, under agenda item 74, and of the Security Council.

(Signed) Fernando GUILLEN
Permanent Representative

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Background

Tension caused by Ecuador (1995)

1. The Peruvian-Ecuadorian Protocol of Peace, Friendship and Boundaries, signed on 29 January 1942 in Rio de Janeiro, with the assistance of Argentina, Brazil, Chile and the United States of America in their capacity as guarantor countries, definitively established the boundaries between the two countries. The Protocol was freely adopted by the Congresses of Peru and Ecuador, and the official exchange of the instruments of ratification took place in Petropolis, Brazil, on 31 March 1942, as a result of which the aforementioned international instrument is fully binding on the parties.

2. In implementation of the Protocol, between 1942 and 1950, the Combined Peruvian-Ecuadorian Border Demarcation Commission placed boundary markers along some 1,600 kilometres - about 95 per cent - of the boundary.

3. The disagreements concerning the eastern segment of the boundary that arose in the course of demarcation were resolved in 1945 by the verdict of the Brazilian Sea and War Captain Braz Dias Aguiar, who in 1944 had been appointed as arbitrator by the two countries; that is, the two countries had agreed in advance that his verdict would be binding on both parties. Thus, once issued, the verdict of the arbitrator was accepted by Peru and Ecuador in separate telegrams sent by the parties to the Minister for Foreign Affairs of Brazil, in which they stated that the ruling "puts an end to the disagreements" between the parties. In 1947, an aerial survey carried out by the United States Air Force at the request of the two countries helped establish the line which, in keeping with the arbitral verdict should follow the border in the Cordillera del Cóndor, between the source of the Quebrada de San Francisco and the confluence of the Yaupi and Santiago rivers, referred to in article 8 of the Rio de Janeiro Protocol.

4. Thus, towards the end of 1950, Peru and Ecuador had complied with the 1942 Protocol by placing boundary markers along the frontier line, which was carried out by the Combined Border Demarcation Commission. Nevertheless, in 1951, Ecuador withdrew from the Combined Commission, claiming that the extension of the Cenepa river - between the Zamora and Santiago rivers - made it impossible to implement the Rio de Janeiro Protocol in accordance with the verdict of Dias de Aguiar.

In 1960, once again changing its position with regard to the Rio de Janeiro Protocol, Ecuador unilaterally declared the Protocol to be null and void. Ecuador's position was immediately rejected by the guarantor countries, which demanded that Ecuador comply with the Protocol.

5. The area where the recent incidents have taken place is situated between the "20 November" boundary marker to the north and the left edge of the headwaters of the Cenepa river, in an unmarked segment of the Cordillera del Cóndor. This area, in accordance with the boundary established by the Dias de Aguiar verdict and the watershed identified in the 1947 United States aerial survey, belongs to Peru.

6. In spite of the fact that demarcation has not been completed in a small part of the Cordillera del Cóndor segment, Peru and Ecuador have exercised jurisdiction over their respective territorial possessions and have accepted de facto the Cordillera as the boundary between the two countries. Proof of this state of affairs is reflected by the fact that the Peruvian observation posts have always been situated on the eastern slopes of the Cordillera, while the Ecuadorian posts are situated on the western slopes. This situation was also recognized internationally by the Organization of American States, when it was proven that Ecuador had illegally occupied the "Falso Paquisha" post in the eastern sector of the Cordillera del Cóndor, that is, in Peruvian territory.

7. On 9 and 11 January 1995, Peruvian army patrols responded to shots fired by an Ecuadorian patrol in the locality called "Cueva de los Tayos" by Ecuador, situated in the immediate area of the Cenepa river, that is, on the eastern slopes of the Cordillera del Cóndor and therefore in Peruvian territory in accordance with the Rio de Janeiro Protocol and the verdict of Dias de Aguiar.

8. In response to the position taken by Ecuador, Peru reacted not only by denouncing the incident but also by creating an atmosphere of calm conducive to diplomacy through direct dialogue between the two Governments (Official Communiqué No. 001-95 of 13 January 1995).

9. The Government of Ecuador, in an explicit recognition of the Rio de Janeiro Protocol, unprecedented since 1960, had recourse to the mechanisms provided for in the Protocol and summoned the ambassadors of the guarantor countries in order to request the cooperation of their Governments with a view to solving the problem.

10. Peru, encouraged by Ecuador's positive attitude, welcomed the decision and reiterated its willingness to complete the demarcation process in conformity with the Rio de Janeiro Protocol in order to put an end once and for all to the tensions that periodically disrupt harmonious relations between the two countries (Official Communiqué No. 002/95 of 26 January 1995).

11. Unexpectedly, and right in the middle of the process of diplomatic consultations, two hours after the aforementioned Peruvian statement, an Ecuadorian helicopter shelled a Peruvian observation post situated approximately 4 kilometres from the border, in Peruvian territory.

12. In the face of this aggression, and in defence of our territorial integrity, the armed forces began military operations to prevent the infiltration of Ecuadorian patrols in the eastern slopes of the Cordillera del Cóndor. On explicit instructions from the National Defence Council, such operations have been carried out solely and exclusively in Peruvian territory.

13. "Tiwintza", "Base Sur" and "Cueva de los Tayos" are names that Ecuador has given to the observation posts that it set up surreptitiously at the headwaters of the Cenepa river in Peruvian territory. This stratagem should not surprise the international community since it is a repetition of the tactics used in 1981, when the Ecuadorian observation posts situated in the Ecuadorian localities of Machinaza, Mayaycu and Paquisha - on the western slopes of the Cordillera del Cóndor - were transferred to Peruvian territory, on the eastern

slopes of the Cordillera, retaining their original names and thereby making it possible for Ecuador to claim that Peru had attacked localities that belonged indisputably to Ecuador.

14. Peru, in legitimate defence of its territorial sovereignty, carried out the aforementioned military operations exclusively within Peruvian territory.

15. In accordance with the 1942 Rio de Janeiro Protocol and, in particular, the 1945 verdict of Braz Dias de Aguiar, Peru is prepared to settle the matter within the sole applicable legal framework, that is, in accordance with the mechanisms provided for in the 1942 Rio de Janeiro Protocol.

In keeping with the foregoing, Peru responded promptly to the invitation of the guarantor countries to meet in Brazil, at the highest diplomatic level and in the legal context of the Rio de Janeiro Protocol, and it took part in the negotiations in order to put an end to confrontations and restore peace.

16. As a consequence of these negotiations, on 17 February 1995, the Itamaraty Peace Declaration between Ecuador and Peru and the Declaration of the Guarantor Countries of the 1942 Rio de Janeiro Protocol were signed in Brazil; the two declarations may be summed up by three basic points:

The first point relates to the cease-fire decision declared unilaterally by Peru as of 1200 hours Lima and Quito time on 14 February 1995 (Official Communiqué No. 006/95) and subsequently accepted by Ecuador.

The second deals with the elaboration of a set of measures to consolidate the cease-fire. These measures include the immediate and simultaneous separation of forces in the area of confrontation, which will be achieved by concentrating the troops of each country at their respective posts: those of Ecuador at Coangos and those of Peru at observation post No. 1. This measure will be supplemented by the separation of forces in areas not directly affected by the confrontation, through a gradual and reciprocal demobilization of troops. In order to ensure the strict implementation of these measures, Peru and Ecuador agreed to the deployment of a mission of military observers from the guarantor countries which, moreover, should recommend an area to be completely demilitarized and whose decision will take due account of the guarantees necessary for the security of neighbouring areas in the two countries.

The third point concerns the agreement of Peru and Ecuador to begin talks with a view to solving outstanding disagreements between the two countries, which are none other than those relating to the demarcation that is still to be carried out in the area, thus avoiding, as explicitly stated in the preamble of the Itamaraty Peace Declaration, "new confrontations that may affect the relations of peace, friendship and good-neighbourliness". It is important to point out that the Declaration of the Guarantor Countries, while taking note of the renewed commitment of Argentina, Brazil, Chile and the United States of America, to fulfil all the responsibilities that they assumed in 1942, emphasizes the decision of Peru and Ecuador to begin bilateral talks with a view to reaching a lasting solution.

17. Nevertheless, the cease-fire was violated by Ecuador, denounced by Peru and confirmed by the advance group of the mission of observers sent by the guarantor countries on 23 and 24 February 1995.

18. In order to avoid the impasse created by the cease-fire violation, the President of Chile proposed that the Peruvian and Ecuadorian Ministers for Foreign Affairs should meet with their counterparts from the four guarantor countries in Montevideo, on the occasion of the change of Government in Uruguay. That proposal was supported by the other guarantor countries and accepted by Peru and Ecuador.

19. The aforementioned Ministers for Foreign Affairs, meeting in Montevideo on 28 February 1995, issued a declaration in which Peru and Ecuador pledged to strengthen peace through full compliance with the Itamaraty Peace Declaration, and the guarantor countries agreed to ensure the immediate presence of their observers in the area in order to monitor the cease-fire and the concentration of Ecuadorian troops in Coangos and Peruvian troops at observation post No. 1. Moreover, the guarantor countries reiterate their commitment to continue to fulfil their obligations under the Rio de Janeiro Protocol.

20. In strict compliance with the foregoing, the Definition of Procedures of the mission of observers from the guarantor countries was signed on 10 March 1995; the observers arrived at their destinations in Peru and Ecuador on 11 March 1995.

New York, 13 March 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 51
QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 15 March 1995 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a letter dated 14 March 1995 addressed to you by H.E. Mr. Alecos Michaelides, Minister for Foreign Affairs of the Republic of Cyprus.

I should be grateful if this letter could be circulated as a document of the forty-ninth session of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Alecos SHAMBOS
Ambassador
Permanent Representative

Annex

Letter dated 14 March 1995 from the Minister for Foreign Affairs of Cyprus addressed to the Secretary-General

I am writing to express our deep concern over recent threats by Turkish government officials about the integration of the occupied part of Cyprus into Turkey and the permanent division of the island. Such statements have been made repeatedly by the Turkish Prime Minister herself and the Minister of Defence, who announced that the subject had been taken up by the National Security Council in Ankara. Similar statements are also made almost daily by Mr. Rauf Denktaş.

The culmination of these are the statements made by the Turkish Foreign Minister, Mr. Murat Karayalcin, in the European Union-Turkey Association Council, which adopted the customs union agreement with Turkey on 6 March 1995 in Brussels. Such threats directed against Cyprus in such a solemn moment constitute a most provocative attitude and a total disrespect of the rules and norms governing international relations.

Turkey, while capitalizing on the customs union, tries to destroy the part of the Council of the European Union decision relating to Cyprus, which provides for the commencement of negotiations for the accession of Cyprus to the Union six months after the end of the Intergovernmental Conference of 1996, through the use of arbitrary allegations. They are claiming that our accession to the European Union is contrary to the provisions of the treaties of 1960 establishing the Republic of Cyprus. Nothing in these treaties could be construed as prohibiting the accession of the Republic of Cyprus, a sovereign State member of the family of nations, to an organization like the European Union. In any case, Turkey, which has grossly violated these treaties and continues to do so, should be the last to invoke these treaties.

The most disturbing aspect of these threats, beyond demonstrating the lack of political will on the part of the Turkish side, is that they reveal the expansionist designs of Turkey. Instead of seeing the opportunities arising out of Cyprus' accession and the catalyst role that the setting of a timetable for negotiations could play for the solution of the Cyprus problem, the Turkish side now threatens a new fait accompli.

The Security Council, in a number of resolutions on Cyprus, has declared the maintenance of the status quo unacceptable. What is expected of Turkey is to work towards achieving a negotiated settlement that would bring an end to the illegal division of Cyprus. Instead Turkey resorts to threats and blackmail.

The Government of Cyprus denounces most emphatically these threats directed against an independent and sovereign State Member of the United Nations. Such acts are contrary to international law, the Charter of the United Nations and the relevant United Nations resolutions on Cyprus. They also further undermine the basis on which the solution of the Cyprus problem should be founded, as set out in paragraph 2 of resolution 939 (1994) and constitute an affront to your own efforts within your good offices mandate.

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I would like to assure you, once again, that the Government of the Republic of Cyprus remains committed to a just and lasting solution of the Cyprus problem on the basis of the relevant United Nations resolutions and of the high-level agreements. Furthermore, it believes that Cyprus' accession to the European Union offers unprecedented opportunities for the benefit of the whole population of Cyprus and for a secure, prosperous and peaceful future, provided the Turkish side cooperates for a solution of the problem.

(Signed) Alecos P. MICHAELIDES

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21 March 1995

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Forty-ninth session
Agenda items 8 and 37 (b)

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE: SPECIAL ECONOMIC ASSISTANCE TO INDIVIDUAL COUNTRIES OR REGIONS

Letter dated 20 March 1995 from the Permanent Representative of Norway to the United Nations addressed to the Secretary-General

In its resolution 49/21 B of 2 December 1994, the General Assembly requested the Secretary-General to designate a United Nations agency to disburse the voluntary contributions given by donors in the light of the activities of the Ad Hoc Liaison Committee for salaries and other start-up costs of the Palestinian Police Force, for a period ending not later than the end of March 1995.

In the light of the positive experience with this arrangement to date and the difficult financial situation of the Palestinian Authority, Norway, as Chairman of the Ad Hoc Liaison Committee, believes that this arrangement should continue for some time.

I have therefore been instructed by my Government to seek an extension of the authorization given to the Secretary-General regarding the disbursement of salaries, etc., to the Palestinian Police Force. A draft resolution to that effect will be submitted shortly.

We are now engaged in a process of consultations with interested delegations on a proposed text for such a resolution, the results of which indicate support for our approach.

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Against this background, I request that the discussion on item 37 (b) on special economic assistance to individual countries or regions be reopened.

(Signed) Hans Jacob BIØRN LIAN
Ambassador
Permanent Representative

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22 March 1995

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Forty-ninth session
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ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE: SPECIAL ECONOMIC ASSISTANCE TO INDIVIDUAL COUNTRIES OR REGIONS

Letter dated 20 March 1995 from the Permanent Representative of Norway to the United Nations addressed to the President of the General Assembly

In its resolution 49/21 B of 2 December 1994, the General Assembly requested the Secretary-General to designate a United Nations agency to disburse the voluntary contributions given by donors in the light of the activities of the Ad Hoc Liaison Committee for salaries and other start-up costs of the Palestinian Police Force, for a period ending not later than the end of March 1995.

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I have therefore been instructed by my Government to seek an extension of the authorization given to the Secretary-General regarding the disbursement of salaries, etc., to the Palestinian Police Force. A draft resolution to that effect will be submitted shortly.

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* Reissued for technical reasons.

95-07985 (E) 220395 230395

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We are now engaged in a process of consultations with interested delegations on a proposed text for such a resolution, the results of which indicate support for our approach.

Against this background, I request that the discussion on item 37 (b) on special economic assistance to individual countries or regions be reopened.

(Signed) Hans Jacob BIØRN LIAN
Ambassador
Permanent Representative

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21 March 1995

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Forty-ninth session
Agenda item 121

FINANCING AND LIQUIDATION OF THE UNITED NATIONS TRANSITIONAL AUTHORITY IN CAMBODIA

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the financing and liquidation of the United Nations Transitional Authority in Cambodia (UNTAC) (A/49/714 and Corr.1 and 2 and Add.1). During the course of its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information.

2. Paragraphs 1 to 9 of the Secretary-General's report (A/49/714), inter alia, provide information on the establishment of UNTAC on 28 February 1992, its absorption of the United Nations Advance Mission in Cambodia (UNAMIC) in March 1992 and the conclusion of its mandate on 24 September 1993. The withdrawal of the military component of UNTAC was completed by 31 December 1993.

3. An update has been provided on the status of assessed contributions shown in the report of the Secretary-General (A/49/714, para. 10, table). As shown below, total outstanding assessments of $78,192,615 are due from Member States for UNAMIC ($4,548,398) and UNTAC ($73,644,217).

Status of assessed contributions for the period from 1 November 1991 to 30 June 1994 as at 28 February 1995

(United States dollars)

	UNAMIC 1 Nov. 1991 to 30 April 1992	UNTAC 15 March 1992 to 30 June 1994	Total
1. Resources			
Appropriated	33 576 200	1 743 524 100	1 777 100 300
2. Amount assessed			
Gross	33 576 200	1 710 961 200	1 744 537 400
Applied credits	(281 842)	(15 144 955)	(15 426 797)
Unencumbered balance	0	(160 941 000)	(160 941 000)
Net	33 294 358	1 534 875 245	1 568 169 603
3. Less: Payments	(28 745 960)	(1 461 231 028)	(1 489 976 988)
4. Balance due	4 548 398	73 644 217	78 192 615

4. The Committee, as it has in the past, stresses the importance of outstanding contributions being paid in full. In this connection, the Committee was informed that the outstanding loan to UNTAC from the Peace-keeping Reserve Fund amounts to $18 million. The Committee notes that this compares with an outstanding balance of $37.9 million, in addition to $25.7 million from the special account for the United Nations Transition Assistance Group (UNTAG), referred to in its last report (A/48/917, para. 19). The Committee was informed that this improvement was due, inter alia, to the strict conditions for use of the fund imposed following the adoption of General Assembly resolution 49/233.

5. Section IV of the Secretary-General's report provides information on the status of reimbursements to troop-contributing States. In this connection, the Committee was informed that full and final reimbursement for troops in accordance with standard rates of reimbursement has been made to those Governments up to the period ending on 31 December 1993.

6. In paragraphs 19 and 29 of his report (A/49/714 and Corr.1), the Secretary-General submits a proposal on the application to UNTAC of article IV of the Financial Regulations. The Committee has no objection to this proposal.

7. In paragraph 29 (f) of the report (see A/49/714/Corr.1 and 2), the Secretary-General is requesting that income credited to the special account for UNTAC in the amount of $12,969,830 be credited to Member States against their assessments in respect of the additional requirements of UNTAC for the period from 1 November 1991 to 31 December 1995. The Committee was informed that the table contained in its last report (A/48/917 and Corr.1) was based on preliminary financial data as at 31 December 1993. According to the audited financial statements for UNTAC as at 31 December 1993, total interest and

miscellaneous income amounted to $19,025,072. As at 31 December 1994, the accounts show interest income of $6,228,981, miscellaneous income of $666,049, income from the sale of UNTAC property of $2,616,600 and income from the sale of UNTAC vehicles of $3,458,200. Total income therefore amounts to $12,969,830, plus a balance of voluntary contributions of $1,492,879, bringing the total income to be credited to the UNTAC special account to $14,462,709.

8. Annexes X, XI and XII to the Secretary-General's report provide information on the status of unliquidated obligations for the periods from 1 November 1991 to 30 September 1993, 1 October to 31 December 1993 and 1 January to 30 June 1994 respectively. Annex I to the present report indicates the status of unliquidated obligations, amounting to $65,535,900, for the period from 1 November 1991 to 31 December 1995.

9. In paragraph 29 (b) of his report (see A/49/714/Corr.1 and 2), the Secretary-General requests the General Assembly to appropriate and assess an amount of $16,657,900 gross ($19,145,800 net) to meet the additional requirements of UNTAC for the period from 1 November 1991 to 31 December 1995. Annex I to the report (A/49/714) provides a comparative analysis of expenditure reported in the previous report and revised expenditure for the period from 1 November 1991 to 30 September 1993. The Committee points out that the major element in that annex is the additional expenditure of $31,897,800 for contingent-owned equipment. In this connection, the Committee was informed by representatives of the Secretary-General that that amount was a projection based on a preliminary review of what are called "in and out" surveys provided by troop-contributing Governments and on detailed inventory lists maintained by UNTAC in cases where in and out surveys were not available. In view of the preliminary nature of this estimate, the Committee is of the opinion that an appropriation in this regard should be based on knowledge of actual claims.

10. Another element of additional expenditure is a request for an amount of $1,109,800 gross ($922,000 net) for a team for the liquidation of the assets of UNTAC for the period from 1 July 1994 to 31 December 1995 (see A/49/714, para. 28). Annexes VII and VIII to the Secretary-General's report provide a summary statement of the cost estimates and supplementary information. Upon inquiry, the Committee was informed that the team for the liquidation of the assets is operating from New York. The Committee points out that these activities lack legislative mandate. Moreover, the Committee recalls from its last report (A/48/917, para. 16) that it was informed that activities associated with the final liquidation of UNTAC would be completed by May 1994. Under the circumstances, the Committee recommends that requirements for the team be met from existing resources at Headquarters, thus obviating the need for an additional appropriation in this regard.

11. Taking into account what is indicated in paragraphs 9 and 10 above, the Committee does not believe that an additional appropriation of $16,657,900 gross ($19,145,800 net) is necessary at this time.

12. In paragraph 29 (a) of his report (see A/49/714/Corr.1), the Secretary-General is requesting the assessment on Member States of the amount of $32,562,900 gross ($25,691,600 net) already appropriated by the General Assembly in its resolution 48/255 of 26 May 1994. Annex II to the present report sets

out financing from appropriations and voluntary contributions. The Committee was informed that the total operating costs of UNTAC amount to $1,629,039,600 gross ($1,604,362,200 net). Assessment authorized by the General Assembly amounts to $1,744,537,400 gross ($1,722,786,400 net), of which the unencumbered balance of $162,345,800 gross ($160,941,000 net) has been credited to Member States, leaving a balance of $1,582,191,600 gross ($1,561,845,400 net). According to the Secretary-General, an assessment of $46,848,000 gross ($42,516,800 net) would be required to meet the additional costs of UNTAC until the end of its liquidation in December 1995. If voluntary contributions and other income credited to the special account for UNTAC are taken into account, then the additional assessment would amount to $32,385,291 gross ($28,054,091 net). This is the same result as would be achieved through the various additions and subtractions requested by the Secretary-General in paragraph 29 (a)-(f) of his report (A/49/714/Corr.1 and 2).

13. Taking into account the fact that the Committee is not recommending appropriation and assessment of $16,657,900 gross ($19,145,800 net) to meet the additional requirements of UNTAC for the period from 1 November 1991 to 31 December 1995, the additional assessment required would be $15,727,391 gross ($8,908,291 net). In view of the level of unliquidated obligations (see para. 8 above), the Committee is of the opinion that there is no need for an assessment at this time. The Secretary-General can report to the General Assembly as necessary prior to the final closing of accounts on the need for an additional appropriation and/or assessment in the light of developments with regard to contingent-owned equipment (see para. 9 above).

Final disposition of assets

14. In annex I to the addendum to his report (A/49/714/Add.1), the Secretary-General provides a summary statement and schedules of the final disposition of UNTAC assets. As indicated in that annex, the original value of the assets amounts to $232,010,300, comprising $154,159,600 for assets transferred to other United Nations missions and offices, $58,018,900 for assets donated to the Government of Cambodia, $8,113,300 for assets sold to various United Nations offices and agencies, private institutions and individuals as well as those sold to the Cambodia Mine Action Centre, $8,089,700 for assets lost owing to theft and $3,628,800 for assets written off.

15. In annex IV to his report (A/49/714/Add.1), the Secretary-General indicates the depreciation rates applied to different categories of UNTAC assets. The Committee notes that these rates are different from those used during the disposition of the assets of UNTAG. The Committee was informed that these rates are based, to the extent possible, on the estimate of the useful life of the equipment concerned. In the opinion of the Committee these depreciation rates are not much of a guide as to what price the assets could fetch on the open market because, in the case of a commercial sale, the price is determined by market forces. Nevertheless, the Committee welcomes the information on original and residual value.

16. The Committee observes that the Secretary-General's proposals for the disposition of UNTAC assets follow broadly the principles outlined in a previous

report (A/47/733/Add.1) and subsequently approved by the General Assembly, the largest amount of equipment being transferred to other United Nations missions and offices. The Committee intends to revert to the question of the transfer of assets to other missions in the context of its consideration of the report of the Secretary-General requested by the General Assembly in section VII of its resolution 49/233.

17. Schedule II of annex I B to the Secretary-General's report (A/49/714/Add.1) provides details of assets donated to the Government of Cambodia. As indicated in paragraph 14 above, these assets amount to $58,018,900 of the original value ($38,249,400 residual value) of the assets. The Committee notes that the proposal of the Secretary-General regarding donated property is consistent with the principle approved earlier by the General Assembly that this type of equipment should be left to the Government of Cambodia.

18. As indicated in paragraph 14 above, stolen assets amount to $8,089,700. This amount is more than the $2.73 million reported previously (A/48/701/Add.1). The Committee was informed that a number of thefts occurred when the military component of UNTAC was being withdrawn. However, the Committee recalls that when it was considering that earlier report of the Secretary-General (A/48/701 and Corr.1 and 2 and Add.1) it was informed that some 231 vehicles belonging to UNTAC had been stolen (see A/48/917, para. 13). The Committee notes that those thefts took place before the departure of the military forces. In this connection, the Committee recalls that it expressed concern at those losses and recommended that the Secretary-General take the necessary measures to secure the protection of United Nations assets in other peace-keeping operations (ibid.). Furthermore, the Committee recommended that the Secretary-General invite the Government of Cambodia and the Governments of neighbouring countries to which the stolen vehicles might possibly have been taken to assist the United Nations in its efforts to recover its property. Upon inquiry, the Committee was informed that the Secretary-General did attempt to enlist the assistance of the Cambodian authorities. However, these efforts have not been very successful. Of the 229 vehicles stolen, 3 have been identified but have yet to be handed over to the United Nations.

19. It is the view of the Committee that there is a need for full disclosure of property lost due to theft. In this connection, the Committee requests the Secretary-General to include information on losses - through any means - of assets of peace-keeping operations which have occurred in the last three years in his report to the General Assembly on all aspects of the administration and management of UNTAC. The Secretary-General should also make recommendations on the steps to be taken to improve the security and protection of United Nations property in all United Nations missions. The Committee recommends that the report, which was due in March, but has not yet been received, should be submitted to the General Assembly at its fiftieth session.

20. In a related matter, the Committee noted a number of problems relating to procurement. For example, the Committee notes the existence of new generators which are still packed (A/49/714/Add.1, annex IV, para. 9). The Committee had earlier noted that 850 vehicles not required by the mission were ordered (A/48/701). In this connection, the Committee recalls that the Board of Auditors, in its report on peace-keeping operations, expressed the view that the

belated decision of UNTAC to cancel the purchase order and its eventual acceptance of only 100 of the 850 vehicles ordered indicates an overestimation of requirements resulting in an ineffective utilization of resources. 1/ The Committee intends to revert to this question in the context of its consideration of the report of the Secretary-General on all aspects of the administration and management of UNTAC to be submitted to the General Assembly in accordance with Assembly resolution 48/255.

Notes

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 5 (A/49/5), vol. II, sect. II, para. 97.

ANNEX I

United Nations Transitional Authority in Cambodia

Status of unliquidated obligations for the period from 1 November 1991 to 31 December 1995
as at 28 February 1995

(Thousands of United States dollars)

	1 November 1991 to 30 September 1993			1 October to 31 December 1993			1 January 1994 to 31 December 1995			Grand total 1 November 1991 to 31 December 1995		
	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total
1. Military personnel costs												
(a) Military observers												
Subsistence allowance	-	-	-	-	60.9	60.9	-	-	-	-	60.9	60.9
Travel costs	23.2	581.5	604.7	-	79.0	79.0	-	-	-	23.2	660.5	683.7
Clothing and equipment allowance	-	-	-	-	-	-	-	-	-	-	-	-
(b) Military contingent												
Standard troop cost reimbursement	-	-	-	-	-	-	-	-	-	-	-	-
Welfare	-	1.3	1.3	-	-	-	-	-	-	-	1.3	1.3
Rations	-	-	-	-	-	-	-	-	-	-	-	-
Daily allowance	-	-	-	-	-	-	-	-	-	-	-	-
Travel costs	2 118.4	262.8	2 381.2	-	88.5	88.5	-	-	-	2 118.4	351.3	2 469.7
(c) Other costs pertaining to contingents												
Death and disability compensation	16 055.6	-	16 055.6	-	-	-	-	-	-	16 055.6	-	16 055.6
Contingent-owned equipment	605.3	-	605.3	-	-	-	-	-	-	605.3	-	605.3
2. Civilian personnel costs												
(a) Civilian police												
Mission subsistence allowance	-	-	-	-	-	-	-	-	-	-	-	-
Travel	46.2	306.9	353.1	-	11.2	11.2	-	-	-	46.2	318.1	364.3
Clothing allowance	-	-	-	-	-	-	-	-	-	-	-	-

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	1 November 1991 to 30 September 1993			1 October to 31 December 1993			1 January 1994 to 31 December 1995			Grand total 1 November 1991 to 31 December 1995		
	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total
(b) International and local staff												
International staff salaries	-	63.5	63.5	-	-	-	-	-	-	-	63.5	63.5
Local staff salaries	-	-	-	-	-	-	-	-	-	-	-	-
Common staff costs	-	141.7	141.7	-	109.4	109.4	-	-	-	-	251.1	251.1
Mission subsistence allowance	-	2.9	2.9	-	-	-	-	3.9	3.9	-	6.8	6.8
Travel	-	663.5	663.5	-	238.1	238.1	-	-	-	-	901.6	901.6
Overtime	-	-	-	-	-	-	-	-	-	-	-	-
Consultant fees	-	-	-	-	-	-	-	19.8	19.8	-	19.8	19.8
(c) United Nations Volunteers	-	238.1	238.1	-	441.4	441.4	-	-	-	-	679.5	679.5
3. Premises/accommodation												
(a) Rental of premises	-	-	-	-	4.0	4.0	-	-	-	-	4.0	4.0
(b) Maintenance and alteration of premises	-	2.9	2.9	-	2.5	2.5	-	-	-	-	5.4	5.4
(c) Utilities	-	1.7	1.7	-	51.8	51.8	-	-	-	-	53.5	53.5
(d) Prefabricated units	-	2 895.5	2 895.5	-	10.0	10.0	-	-	-	-	2 905.5	2 905.5
4. Infrastructure repairs	-	-	-	-	-	-	-	-	-	-	-	-
5. Transport operations												
(a) Purchase of vehicles	-	-	-	-	-	-	-	-	-	-	-	-
(b) Rental of vehicles	-	-	-	-	-	-	-	-	-	-	-	-
(c) Workshop equipment	93.0	-	93.0	-	27.6	27.6	-	-	-	93.0	27.6	120.6
(d) Spare parts, repairs and maintenance	6 363.8	-	6 363.8	-	-	-	-	-	-	6 363.8	-	6 363.8
(e) Petrol, oil and lubricants	-	0.6	0.6	-	1.2	1.2	-	-	-	-	1.8	1.8
(f) Vehicle insurance	-	0.5	0.5	-	1 636.3	1 636.3	-	-	-	-	1 636.8	1 636.8
6. Air operations												
(a) Helicopters												
Hire/charter costs	-	1 708.8	1 708.8	-	-	-	-	-	-	-	1 708.8	1 708.8
Aviation fuel and lubricants	-	-	-	-	368.5	368.5	-	-	-	-	368.5	368.5

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	1 November 1991 to 30 September 1993			1 October to 31 December 1993			1 January 1994 to 31 December 1995			Grand total 1 November 1991 to 31 December 1995		
	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total
(b) Fixed-wing aircraft												
Hire/charter costs	-	-	-	-	-	-	-	-	-	-	-	-
Aviation fuel and lubricants	-	-	-	-	-	-	-	-	-	-	-	-
(c) Air crew subsistence allowance	-	-	-	-	-	-	-	-	-	-	-	-
(d) Other air operations costs												
Air traffic control services	-	-	-	-	-	-	-	-	-	-	-	-
Landing fees and ground handling	-	-	-	-	-	-	-	-	-	-	-	-
Liability insurance	-	-	-	-	-	-	-	-	-	-	-	-
Fuel storage container	-	-	-	-	72.0	72.0	-	-	-	-	72.0	72.0
7. Naval operations												
(a) Preparation costs	-	-	-	-	-	-	-	-	-	-	-	-
(b) Fuel	-	-	-	-	-	-	-	-	-	-	-	-
(c) Maintenance costs	-	-	-	-	-	-	-	-	-	-	-	-
(d) Rental of landing craft	-	-	-	-	-	-	-	-	-	-	-	-
8. Communications												
(a) Complementary communications												
Communications equipment	-	0.6	0.6	-	-	-	-	-	-	-	0.6	0.6
Spare parts and supplies	38.3	2.4	40.7	-	-	-	-	-	-	38.3	2.4	40.7
Workshop and test equipment	-	-	-	-	-	-	-	-	-	-	-	-
Commercial communications	-	11.2	11.2	-	280.2	280.2	-	-	-	-	291.4	291.4
(b) Main trunking contract												
Equipment	-	-	-	-	-	-	-	-	-	-	-	-
Spare parts and supplies	-	-	-	-	-	-	-	-	-	-	-	-
Transport and freight costs	-	-	-	-	-	-	-	-	-	-	-	-

	1 November 1991 to 30 September 1993			1 October to 31 December 1993			1 January 1994 to 31 December 1995			Grand total 1 November 1991 to 31 December 1995		
	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total
Contractual costs for operation of trunking system	-	-	-	-	-	-	-	-	-	-	-	-
9. Other equipment												
(a) Office furniture	-	-	-	-	-	-	-	-	-	-	-	-
(b) Office equipment	-	-	-	-	-	-	-	-	-	-	-	-
(c) Observation equipment	-	-	-	-	-	-	-	-	-	-	-	-
(d) Data-processing equipment	-	-	-	-	-	-	-	-	-	-	-	-
(e) Petrol tank plus metering equipment	-	-	-	-	-	-	-	-	-	-	-	-
(f) Medical equipment	-	-	-	-	-	-	-	-	-	-	-	-
(g) Generators	-	-	-	-	-	-	-	-	-	-	-	-
(h) Miscellaneous equipment	61.7	-	61.7	-	19.3	19.3	-	-	-	61.7	19.3	81.0
(i) Parts and repair of equipment	760.4	-	760.4	-	3.3	3.3	-	-	-	760.4	3.3	763.7
10. Supplies and services												
(a) Miscellaneous services												
Audit services	-	-	-	-	-	-	-	-	-	-	-	-
Contractual services	-	5.1	5.1	-	236.6	236.6	-	-	-	-	241.7	241.7
Security services	-	5.1	5.1	-	31.7	31.7	-	-	-	-	36.8	36.8
Medical treatment and services	-	24.2	24.2	-	7.5	7.5	-	-	-	-	31.7	31.7
Maintenance services	-	-	-	-	-	-	-	-	-	-	-	-
Claims and adjustments	-	-	-	-	0.8	0.8	-	-	-	-	0.8	0.8
Miscellaneous other services	-	0.2	0.2	-	2.3	2.3	-	-	-	-	2.5	2.5
Official hospitality	-	-	-	-	-	-	-	-	-	-	-	-
(b) Miscellaneous supplies												
Stationery and office supplies	0.8	0.3	1.1	-	-	-	-	-	-	0.8	0.3	1.1
Medical supplies	3 545.0	68.9	3 613.9	8.0	-	8.0	-	-	-	3 553.0	68.9	3 621.9
Sanitation and cleaning materials	18.8	0.3	19.1	-	-	-	-	-	-	18.8	0.3	19.1

	1 November 1991 to 30 September 1993			1 October to 31 December 1993			1 January 1994 to 31 December 1995			Grand total 1 November 1991 to 31 December 1995		
	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total
Subscriptions	-	2.7	2.7	-	-	-	-	-	-	-	2.7	2.7
Ballistic protective blankets for vehicles	-	-	-	-	-	-	-	-	-	-	-	-
Uniform items, flags and decals	5 974.7	12.9	5 987.6	-	-	-	-	-	-	5 974.7	12.9	5 987.6
Field defence stores	-	-	-	-	-	-	-	-	-	-	-	-
Operational maps	115.0	-	115.0	-	-	-	-	-	-	115.0	-	115.0
Quartermaster and general stores	-	-	-	-	-	-	-	-	-	-	-	-
Miscellaneous supplies	163.5	0.5	164.0	92.9	12.8	105.7	-	60.0	60.0	256.4	73.3	329.7
11. Election-related supplies and services												
(a) Standard kits for registration teams	-	-	-	-	-	-	-	-	-	-	-	-
(b) Various election materials	-	-	-	-	-	-	-	-	-	-	-	-
(c) Election-related contractual services	12.8	-	12.8	-	-	-	-	-	-	12.8	-	12.8
12. Public information programmes												
(a) Equipment	-	11.1	11.1	-	-	-	-	-	-	-	11.1	11.1
(b) Materials and supplies	-	61.5	61.5	-	-	-	-	-	-	-	61.5	61.5
(c) Contractual services	-	-	-	-	-	-	-	-	-	-	-	-
13. Training programmes	-	-	-	-	-	-	-	-	-	-	-	-
14. Mine-clearing programmes												
(a) Mine-clearing equipment	3.2	-	3.2	-	-	-	-	-	-	3.2	-	3.2
(b) Supplies, services and operating costs	20.0	-	20.0	-	-	-	-	-	-	20.0	-	20.0
15. Assistance for disarmament and demobilization												
(a) Rehabilitation assistance to the demobilized military forces	-	-	-	-	-	-	-	-	-	-	-	-

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	1 November 1991 to 30 September 1993			1 October to 31 December 1993			1 January 1994 to 31 December 1995			Grand total 1 November 1991 to 31 December 1995		
	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total	Governments	Non-government	Total
(b) Provision of food to the forces of the Cambodian parties, including transportation and distribution	-	2 068.8	2 068.8	-	-	-	-	-	-	-	2 068.8	2 068.8
(c) Other	-	-	-	-	-	-	-	-	-	-	-	-
16. Financial assistance to the Interim Joint Administration	-	-	-	-	-	-	-	-	-	-	-	-
17. Air and surface freight												
(a) Transport of contingent-owned equipment	-	-	-	-	-	-	-	-	-	-	-	-
(b) Military airlift	-	-	-	2 710.2	1 163.0	3 873.2	-	-	-	2 710.2	1 163.0	3 873.2
(c) Commercial freight and cartage	12 006.8	506.7	12 513.5	-	-	-	-	-	-	12 006.8	506.7	12 513.5
18. Support account for peace-keeping operations	-	-	-	-	-	-	-	-	-	-	-	-
19. Integrated Management Information System	-	-	-	-	-	-	-	-	-	-	-	-
20. Staff assessment	-	-	-	-	-	-	-	-	-	-	-	-
	48 026.5	9 654.7	57 681.2	2 811.1	4 959.9	7 771.0	-	83.7	83.7	50 837.6	14 698.3	65 535.9

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ANNEX II

United Nations Transitional Authority in Cambodia

Financing from appropriations and voluntary contributions

(United States dollars)

A. Operating costs and requirements

1. Operating costs	Gross	Net
1 November 1991 to 30 September 1993	1 564 509 800	1 542 841 800
1 October to 31 December 1993	56 453 500	54 436 300
1 January to 30 June 1994	6 966 500	6 162 100
1 July to 31 December 1995	1 109 800	922 000
Total	1 629 039 600	1 604 362 200

2. Appropriation	General Assembly resolution	Gross	Net
	46/198 A	14 319 200	13 967 300
	46/198 B	19 257 000	19 204 000
	46 222 A	200 000 000	200 000 000
	46/222 B	606 000 000	600 000 000
	47/209 A	483 961 200	470 808 500
	47/209 B	85 000 000	85 000 000
	48/255	236 000 000	233 806 600
	48/255	100 000 000	100 000 000
	48/255	32 562 900	25 691 600
		1 777 100 300	1 748 478 000
Less: Unencumbered balance of appropriations	47/209 A	(162 345 800)	(160 941 000)
Plus: Appropriation required		14 285 100	16 825 200
Total		1 629 039 600	1 604 362 200

3. Assessment	General Assembly resolution	Gross	Net
	46/198 A	14 319 200	13 967 300
	46/198 B	19 257 000	19 204 000
	46/222 A	200 000 000	200 000 000
	46/222 B	606 000 000	600 000 000
	47/209 A	483 961 200	470 808 500
	47/209 B	85 000 000	85 000 000
	48/255	236 000 000	233 806 600
	48/255	100 000 000	100 000 000
		1 744 537 400	1 722 786 400
Less: Credits to Member States for unencumbered balance	47/209 A	(162 345 800)	(160 941 000)
Plus: Assessment required		46 848 000	42 516 800
Total		1 629 039 600	1 604 362 200

B. Voluntary contributions

1. In kind		Value
Australia - A military support unit of 40 personnel, all ranks		
Costs reimbursable to government	279 200	
and subsistence allowance	899 680	1 178 880
France - An air support unit of 112 personnel, all ranks		
Costs reimbursable to government	756 504	
Charter of four helicopters	4 350 600	
One cargo aircraft	1 750 000	6 857 104
Total		8 035 984
2. In cash		
Japan		2 000 000
Australia		1 000 000
Netherlands		2 231 018
Philippines		100 000
United Kingdom		1 000 000
United States of America		2 000 000
Luxembourg		26 054
New Zealand		25 807
Japan		1 100 000
Private donation		10 000
Japan (advance)		2 000 000
Total		11 492 879
Less: Financial assistance to the Interim Joint Administration		(10 000 000)
Balance, voluntary contributions		1 492 879

C. Income credited to special account

Voluntary contributions in cash	1 492 879	1 492 879
Interest income	6 228 981	6 228 981
Miscellaneous income	6 740 849	6 740 849
Total	14 462 709	14 462 709

UNITED NATIONS **A**

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Agenda item 162

FINANCING OF THE UNITED NATIONS MISSION OF OBSERVERS IN TAJIKISTAN

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the financing of the United Nations Mission of Observers in Tajikistan (UNMOT) (A/49/854). During its consideration of the item, representatives of the Secretary-General provided additional information to the Advisory Committee.

2. Part I (paras. 1-17) of the report of the Secretary-General provides background information on UNMOT, which was established by the Security Council in its resolution 968 (1994) of 16 December 1994 in accordance with the plan outlined in the report of the Secretary-General contained in document S/1994/1363. By its resolution 968 (1994), the Security Council also decided that the Mission should be established for a period of up to six months, subject to the proviso that it would continue beyond 6 February 1995 only if the Secretary-General reported to the Council by that date that the parties had agreed to extend the agreement of 17 September 1994, and that they remained committed to an effective cease-fire, national reconciliation and the promotion of democracy.

3. The Security Council subsequently extended the presence of the Mission in Tajikistan until 6 March 1995 1/ and, most recently, until 26 April 1995. 2/

4. For the period from 16 December 1994 to 6 March 1995, the Secretary-General, under the terms of General Assembly resolution 49/233 of 23 December 1994, had requested commitment authority from the Advisory Committee on Administrative and Budgetary Questions in the amount of $2,986,600 gross. The Advisory Committee, by a letter dated 8 February 1995 (see annex), had indicated that the requirements of UNMOT for the period from 16 December 1994 to

2 February 1995, the date on which the Committee considered the matter, in the amount of $1,759,700 gross should be met from within the existing authority of the Secretary-General under General Assembly resolution 48/229 of 23 December 1993 on unforeseen and extraordinary expenses for the biennium 1994-1995. With regard to the requirements of UNMOT for the period from 3 February to 6 March 1995, the Advisory Committee had concurred in the entering into commitments in an amount not exceeding $651,600 gross under the terms of General Assembly resolution 49/233.

5. The Advisory Committee welcomes the information provided by the Secretary-General in paragraphs 28 to 35 of the report in response to the observations and comments contained in the letter from the Advisory Committee of 8 February 1995.

6. As stated in paragraph 25 of the report, the cost estimates for the Mission are presented for the period from 16 December 1994 to 30 June 1995, in line with the decision of the General Assembly in its resolution 49/233 to establish a financial year for peace-keeping operations from July to June. In paragraph 36 of his report, the Secretary-General proposes that the Assembly appropriate and assess the amount of $4,339,700 gross ($4,138,400 net) for UNMOT for the period from 16 December 1994 to 30 June 1995 and, with regard to the period after 30 June 1995, that it provide a commitment authorization at a monthly rate of $752,800 gross ($716,600 net) and assessment of such amounts, should the Security Council decide to renew the mandate of UNMOT beyond that date.

7. Annexes I and II of the report of the Secretary-General provide a detailed description of the estimated requirements for the periods from 16 December 1994 to 30 June 1995 and from 1 July 1995 to 30 June 1996. The cost estimates are based on the authorized strength of the Mission of 40 military observers and 44 civilian staff (18 international and 26 local).

8. The Committee notes that while the Secretary-General had previously estimated the monthly requirements for the period after 6 February 1995 at $442,300 3/ and $708,500 gross, 4/ in his report, the Secretary-General increased the monthly requirements to $752,800 gross per month for the period from 1 July 1995 to 30 June 1996. Upon inquiry, the Advisory Committee was informed that the previous estimates did not include additional requirements for helicopter operations, communications and public information.

9. The Committee notes from annexes II (paras. 2, 3, 20 and 21) and V of the report that requirements for military observers and civilian personnel are estimated on the basis of the schedule of deployment reflected in the annexes. Upon inquiry, however, the Committee was informed of some delays in the deployment of military observers and international staff to the Mission area. For instance, 31 military observers and 14 international civilian staff have been deployed out of the authorized 40 military observers and 18 international civilian staff. With regard to military observers, the Committee was informed that savings which could have been anticipated as a result of delays in their deployment would most probably be offset by additional expenditures resulting from earlier arrival in the Mission area of the remaining military observers. As far as civilian personnel is concerned, the Committee was informed that the delays in deployment would result in a reduction of $77,900 in the estimated

requirements for international personnel costs, from $1,322,600 to $1,244,700, for the period from 16 December 1994 to 26 April 1995.

10. The Committee notes that the Government of Tajikistan provides office premises for the Mission free of charge (A/49/854, annex II, para. 32).

11. With regard to communications, the Advisory Committee recalls that in its letter to the Secretary-General of 8 February 1995, the Advisory Committee requested that a more specific and precise explanation of the requirements for communications be provided in the report to the General Assembly on the financing of UNMOT. The Committee was not satisfied with the justification for the requirements for communications contained in paragraphs 55 to 60 of annex II to the report. Upon inquiry, the Committee was informed that communications with Headquarters in New York and with the outstations in Tajikistan would be provided by a VAST satellite station, which would provide eight telephone and four data channels. Since the local infrastructure and communications are poor, a back-up communications system will be provided by International Maritime Satellite Organization Terminals (INMARSAT). The Committee notes from paragraph 56 of annex II to the report that as a result of the changed requirements for the observations posts from six to eight, the number of INMARSAT stations in UNMOT will increase from 14 to 18. The Committee was informed that in order to minimize expenditure, the four additional INMARSAT terminals would be supplied from ex-UNOMIL stock and other existing resources.

12. The Committee notes from paragraph 99 of annex II to the report that a provision of $176,000 is made for the air freight of nine vehicles from the United Nations supply depot at Brindisi, Italy. In this connection, the Committee points out that the cost of air freight ($176,000) seems to be too high, since it is comparable with the cost of acquisition of these nine vehicles ($184,500). The Committee recommends that the Secretary-General explore alternative and less expensive means of providing the Mission with vehicles.

13. In view of its recommendations and observations in the paragraphs above, the Advisory Committee recommends appropriation and assessment of $3,251,200 gross to meet the continued operation of the Mission from 16 December 1994 to 26 April 1995. With regard to the period from 27 April 1995 to 30 June 1996, the Committee recommends appropriation of $10,044,200 gross and that it be assessed on Member States, under the terms of section I, paragraph 7, of General Assembly resolution 49/233, at the rate of $717,400 gross per month, subject to the extension of the mandate of UNMOT by the Security Council.

Notes

1/ S/1995/109.

2/ S/1995/180.

3/ S/1994/1363, para. 29.

4/ Referred to in the Controller's letter dated 17 January 1995.

ANNEX

Letter dated 8 February 1995 from the Chairman of the Advisory Committee on Administrative and Budgetary Questions addressed to the Secretary-General

The Advisory Committee on Administrative and Budgetary Questions has considered the Controller's letter of 17 January 1995 requesting concurrence of the Committee to enter into commitments in an amount not to exceed $2,986,600 gross ($2,898,700 net) for the maintenance of the United Nations Mission of Observers in Tajikistan (UNMOT) for the period from 16 December 1994 to 6 March 1995, pending the submission of your report on the financing of UNMOT to the General Assembly at its resumed forty-ninth session. This request is made under the terms of section IV, paragraph 1, of General Assembly resolution 49/233 of 23 December 1994. In view of the fact that there was no time available to consider your request by correspondence prior to the start of the Advisory Committee's winter session on 1 February 1995, the Committee took up your request on 2 February 1995.

By its resolution 968 (1994) of 16 December 1994, the Security Council decided to establish UNMOT in accordance with the plan outlined in your report (S/1994/1363). The Security Council also decided that the Mission should be established for a period of up to six months, subject to the proviso that it would continue beyond 6 February 1995 only if you reported to the Council by that date that the parties had agreed to extend the agreement of 17 September 1994, and that they remained committed to an effective cease-fire, national reconciliation and the promotion of democracy.

By a letter dated 6 February 1995, the Security Council endorsed the recommendation contained in your report (S/1995/105) to extend UNMOT for another month, until 6 March 1995 (S/1995/109).

The Advisory Committee was informed that expenditures relating to your efforts in Tajikistan from their inception in 1992 to 15 December 1994 amount to $3,116,800. As indicated in the Controller's letter, these costs have been met from the regular budget. However, the Advisory Committee notes that since the Security Council has established UNMOT, you will recommend to the General Assembly that the costs for the operation of the Mission should be considered an expense of the Organization to be borne by Member States and that assessments should be credited to a special account to be established for this purpose.

According to the provisions of section IV, paragraph 1, of General Assembly resolution 49/233, if a decision of the Security Council relating to the start-up phase or expansion phase of peace-keeping operations results in the need for expenditure, the Secretary-General is authorized, with the prior concurrence of the Advisory Committee, to enter into commitments not to exceed $50 million per decision of the Security Council. In this connection, the Advisory Committee notes that as of 2 February 1995, the date of the consideration of the request for concurrence by the Committee, considerable expenditure had been incurred by placing on board 28 military observers as of 31 January 1995.

It is the view of the Advisory Committee that while it recognizes the need to implement mandates in a timely manner, the provisions of section IV, paragraph 1, of resolution 49/233 must also be complied with.

In paragraph 29 of your report to the Security Council of 30 November 1994 (S/1994/1363), you indicated that the cost estimate for the period from 1 December 1994 to 6 February 1995 would be approximately $1,895,800 gross, including start-up costs of $788,300, and that the monthly cost thereafter would be approximately $442,300. However, the Advisory Committee notes from the Controller's letter that for the period from 16 December 1994 to 6 February 1995, the estimated cost would be $2,278,100 gross ($2,226,200 net), inclusive of start-up costs, and that the monthly cost thereafter would amount to $708,500 gross ($672,500 net). Upon inquiry, the Advisory Committee was informed that the cost estimate given in your report to the Security Council did not include air operations and additional requirements for communications.

The Advisory Committee notes that UNMOT estimates have been based on 40 military observers, 18 international civilian staff (8 Professional, 2 General Service and 8 Field Service staff) and 26 local staff. Subsequently, the Committee was informed that as of 31 January 1995, 28 military observers had been deployed and that an additional 8 military observers were expected to be deployed in February 1995. As a result, for the period from 16 December 1994 to 6 February 1995, reductions in the estimated cost amount to $68,700 for mission subsistence allowance ($50,100), travel ($18,000), clothing and equipment allowance ($200) and death and disability allowance ($400). For the period from 7 February 1995 to 6 March 1995, the corresponding amount is $20,600, consisting of mission subsistence allowance ($20,200), clothing and equipment allowance ($100) and death and disability allowance ($300).

With regard to air operations, the Advisory Committee was informed that since the helicopter will not be in operation before 6 March 1995, the amount of $306,000 for the period from 16 December 1994 to 6 February 1995 and $180,000 for one month thereafter will not be required. The Committee was also informed that the fixed-wing aircraft has been in operation in the Mission area and that the related costs are included in the latest information provided by your representative.

With regard to the requirements for communication, it is the view of the Advisory Committee that the explanation given for the need for additional requirements was not satisfactory. For example, while the Mission will consist of 8 stations, the estimate provides for a total of 14 INMARSAT terminals. In this connection, the Committee requests that a more specific and precise explanation be provided in your report to the General Assembly on the financing of UNMOT.

The Advisory Committee notes that under paragraph 7 of the Protocol on the Joint Commission (S/1994/1253), at the request of the Tajik Parties, UNMOT will assist the work of the Joint Commission. In this connection, the Advisory Committee requests you to include in your report on the financing of UNMOT to be submitted to the General Assembly, the type of support that is provided to the Joint Commission and the related budgetary implications. The Committee also requests you to specify clearly the nature of cooperation between UNMOT and the

Organization for Security and Cooperation in Europe (OSCE) mission, the collective peace-keeping forces of the Commonwealth of Independent States in Tajikistan and the border forces, and the extent to which these forces provide assistance to UNMOT.

It is the view of the Advisory Committee that pending the submission of your report on the financing of UNMOT to the General Assembly at its resumed forty-ninth session, the requirements of UNMOT for the period from 16 December 1994 to 2 February 1995, which, according to the latest information received from your representatives amounts to $1,759,700 gross ($1,711,800 net), should be met from within the existing authority you have under General Assembly resolution 48/229 of 23 December 1993 on unforeseen and extraordinary expenses for the biennium 1994-1995. With regard to the requirements of the Mission for the period from 3 February (the date on which the Committee reached its decision on your request) to 6 March 1995, the Advisory Committee, taking into account its comments above and the latest information received from your representatives, concurs in your entering into commitments in an amount not exceeding $651,600 gross ($611,600 net) under the terms of section IV, paragraph 1, of General Assembly resolution 49/233.

(Signed) C. S. M. MSELLE
Chairman

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FINANCING OF THE UNITED NATIONS MISSION IN HAITI

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the financing of the United Nations Mission in Haiti (UNMIH) (A/49/318/Add.2 and Corr.1), submitted to it in the form of an advance draft. During its consideration of the report the Advisory Committee met with representatives of the Secretary-General who provided additional, up-to-date information.

2. In this connection, the Committee points out once again that it has increasingly been called upon to consider reports of the Secretary-General on the financing of peace-keeping operations on the basis of advance drafts in English without the benefit of the language versions. Furthermore, the reports frequently contain insufficient or inaccurate information and the Committee's ability to discharge its responsibilities is further hampered by the fact that its requests for adequate supporting information or clarification are not always met in a timely fashion. The Advisory Committee trusts that with the establishment of regular budget cycles relating to the financing of peace-keeping operations as authorized by the General Assembly in its resolution 49/233 of 23 December 1994, the Secretary-General will ensure timely submission to the Committee of comprehensive final documentation, in all the official languages.

3. As indicated in the summary of the report of the Secretary-General under consideration, the document contains the revised budget of the advance team of up to 500 personnel for UNMIH for the period from 1 August 1994 to 31 January 1995 and the main force of 6,000 for the period from 1 February to 31 December 1995. In this connection, the Advisory Committee recalls that the Security Council, by its resolution 867 (1993) of 23 September 1993, established UNMIH for an initial period of six months and expanded the mandate in its subsequent resolutions 940 (1994) and 964 (1994); in its resolution 975 (1995)

of 30 January 1995, the Security Council extended the mandate for a period of six months until 31 July 1995 and authorized the full deployment of UNMIH by 31 March 1995, including the deployment of up to 6,000 troops and 900 civilian police officers.

4. As indicated in the report of the Secretary-General, the revised budget for the advance team amounts to $5,902,500 gross ($5,707,100 net) and provides for a strength of up to 24 military observers, 19 contingent personnel, 40 civilian police and 84 civilian staff for the period from 1 August 1994 to 31 January 1995.

5. The budget for the period from 1 February to 31 December 1995 is estimated at $272,966,400 gross ($268,301,000 net) and provides for a strength of up to 6,000 troops, 900 civilian police and 489 civilian staff, consisting of 220 international and 240 local staff and 29 United Nations Volunteers.

6. As indicated in paragraphs 17 to 19 of the report, three specific trust funds have been established for Haiti (a) to finance the cost of construction materials and other expenditures not normally financed from assessed contributions, for which no pledges have been received to date; (b) for electoral assistance to Haiti, for which pledges to date total $2,700,000; and (c) to provide goods and services to the international police monitoring programme and other specifically designated purposes in Haiti, for which no pledges have been received to date.

7. The Advisory Committee notes that, as reported in the eleventh report of the Multinational Force in Haiti, 1/ the Paris donor's conference approved significant aid packages for Haiti: a $600 million reconstruction programme was approved, as was an additional $240 million in assistance funds. The total aid package of $900 million will be provided over a period of 12 to 18 months. Civic action projects in the package include road repair, repairs of the Interim Public Security Force headquarters, prison repairs, water, sewage and electricity systems repair, and distribution of school supplies and food. The Advisory Committee recommends that close coordination be established with UNMIH to ensure that optimum use of resources is assured.

8. In paragraph 34 of his report, the Secretary-General indicates the actions to be taken by the General Assembly. The following table, provided by the Secretariat, gives details of action taken by the Security Council, as well as the General Assembly, during the periods between 23 September 1993 and 28 February 1995.

	23 September 1993 to 22 March 1994	23 March to 30 June 1994	1 to 31 July 1994	1 August 1994 to 31 January 1995	1 December 1994 to 31 January 1995	1 to 28 February 1995	Total
1. Security Council resolutions							
Number	867 (1993)	905 (1994)	933 (1994)	940 (1994)	964 (1994)	975 (1995)	
Date	23 September 1993	23 March 1994	30 June 1994	31 July 1994	29 November 1994	30 January 1995	
2. Strength							
Observers	1	1	1	16	24	24	
Contingents	-	-	-	11	43	250	
Civilian police	1	-	-	13	40	59	
International staff	1	1	1	20	25	167	
Local staff	2	2	2	-	51	157	
United Nations Volunteers	-	-	-	-	-	-	
3 Resources							
ACABQ authorization	-	-	-	1 347 000	5 788 600	3 720 700	10 856 300
Letter	-	-	-	AC/1228	AC/1241	AC/1241	
Date	-	-	-	18 October 1994	16 December 1994	16 December 1994	
General Assembly authorization	1 383 000 a/	-	44 200	221 000	-	-	265 200
Decision number	48/477	-	-	-	-	-	
Resolution number	-	-	48/246	48/246	-	-	
Date	23 December 1993	-	5 April 1994	5 April 1994	-	-	
General Assembly appropriation	1 383 000	143 700	-	-	-	-	1 526 700
Resolution number	48/246	48/246	-	-	-	-	
Date	5 April 1994	5 April 1994	-	-	-	-	
Total, line 3	1 383 000	143 700	44 200	1 568 000	5 788 600	3 720 700	12 648 200
4. Expenditure	1 346 000	143 700	44 200	1 568 000	4 334 500	3 720 700	11 157 100
5 Balance (3-4)	37 000	-	-	-	1 454 100	-	1 491 100

	23 September 1993 to 22 March 1994	23 March to 30 June 1994	1 to 31 July 1994	1 August 1994 to 31 January 1995	1 December 1994 to 31 January 1995	1 to 28 February 1995	Total
6. Assessment							
Amount	1 383 000	-	-	2 036 700	-	-	
General Assembly decision	48/477	-	-	49/468	-	-	
Date	23 December 1993	-	-	23 December 1994	-	-	
Amount	-	143 700	44 200	221 000	-	-	
General Assembly resolution	-	48/246	48/246	48/246	-	-	
Date	-	5 April 1994	5 April 1994	5 April 1994	-	-	
Total, line 6	1 383 000	143 700	44 200	2 257 700	-	-	3 828 600

a/ Not included in the totals since the amount was subsequently appropriated by the General Assembly.

9. During its consideration of the report of the Secretary-General, the Advisory Committee also received a request from the Controller seeking the Committee's concurrence to enter into commitments for the start-up requirements as well as the recurrent costs of UNMIH for the month of March 1995 in the amount of $50 million gross ($49,595,300 net) in accordance with section IV of General Assembly resolution 49/233. On inquiry the Advisory Committee was informed that, of that total, an amount of nearly $5 million had already been committed and requisitions for a further $34 million had been made against an amount of $49,846,000 authorized by the Controller for December 1994 onwards.

10. In this connection, the Advisory Committee points out that contracts and letters of assist can only be signed after approval has been obtained from the Headquarters Committee on Contracts; no submission can be made to the Committee on Contracts without certification that resources have been made available. Certified requisitions must therefore be considered as commitments for goods and services for which obligations will be raised.

11. The Advisory Committee points out that, under the terms of section IV, paragraph 3, of General Assembly resolution 49/233, the Secretary-General is authorized to enter into commitments not to exceed $50 million with the prior concurrence of the Advisory Committee. However, in this case, the Advisory Committee's concurrence is being sought ex post facto. The Committee has cautioned against this on several occasions in the past and reiterates its insistence that decisions of the General Assembly in this procedure be adhered to without exception and that there be strict adherence to the financial regulations and rules of the United Nations.

Cost estimates for the period from 1 August 1994 to 31 January 1995

12. The Advisory Committee believes that, at the present stage, the cost estimates for the period from 1 August 1994 to 31 January 1995 do not serve a useful purpose except for comparison with estimates for the following financial period. In this connection, the Advisory Committee recalls that it had concurred in the Secretary-General's entering into commitments in the amounts of $1,347,000 and $5,788,600 for the period from 1 August 1994 to 31 January 1995, in accordance with General Assembly resolution 48/229 of 23 December 1993 on unforeseen and extraordinary expenses. The Committee intends to review the actual expenditures in the context of its examination of the performance report.

Cost estimates for the period from 1 February to 31 December 1995

13. It is not clear from the report of the Secretary-General how the mandate for UNMIH as established by the Security Council in its resolution 867 (1993) and as revised and extended by it in paragraphs 9 and 10 of resolution 940 (1994) has been translated into an operational plan on which these estimates are based. Furthermore, the correlation between activities outlined in the report of the Secretary-General to the Security Council of 17 January 1995 2/ and the resource requirements listed in the report under consideration should have been clearly spelt out.

14. In the absence of any clear linkage between the mandate and the resource requirements listed in the document, the Advisory Committee faced considerable

difficulty in assessing the Secretary-General's proposals for UNMIH. The Committee nevertheless believes that for a number of items the resources being requested are rather excessive and that the amounts indicated are not based on any acquired experience but, as confirmed to the Committee, were mere projections rather than firm estimates.

Military personnel costs

15. The cost estimates for contingent personnel are, as per standard practice, based on the phasing-in of contingents. As indicated in annex V.B of the report of the Secretary-General, the deployment plan for military contingents in the mission area calls for a total of 6,000 personnel; of this total, 2,221 are identified as logistics support personnel and 3,779 as infantry personnel.

16. As indicated in annex III of the report, an amount of $60,200 has been budgeted for mission subsistence allowance and other costs for military observers; however those costs relate solely to the month of February 1995. The Advisory Committee points out that an amount of $187,500 for mission subsistence allowance for 100 military planners and support personnel for the period from 1 November 1994 to 28 February 1995 at a rate of $124 per day has also been included in the cost estimates for the entire period from 1 February to 31 December 1995 (annex IV, para. 9).

17. Other costs relating to military contingents for the 11-month period include provision for 6,000 troops for such items as standard troop cost reimbursement ($61,339,000), welfare ($964,700) and daily allowance ($2,277,500).

18. An amount of $16,763,400 has been included for rations at a rate of $8.50 per person per day (for 1,779,315 person/days ($15,124,200), bottled water estimated at $0.75 per gallon at a rate of 1.20 gallons per person per day ($1,601,400) and an emergency stock of bottled water for seven days for 6,000 personnel ($37,800) (annex IV, para. 7).

19. In this connection, the Advisory Committee recalls that in annex IV of the report of the Secretary-General cost estimates for the period from 19 September 1994 to 31 January 1995 indicate the daily cost of rations and drinking-water at $7.00 and $1.36 respectively per person. The Committee questioned that difference and was informed that the $7.00 covered field combat ration packs, while the estimate of $8.50 provided for delivery to the unit level of fresh, frozen, chilled and dry ration commodities. The Committee was also informed that the figure of $8.50 was a budgeting figure and was not based on any experience in Haiti, and that at the time of awarding the catering contract, the amount could be adjusted. The Committee was informed that, as at the time of its consideration of the report, no catering contract had been entered into for providing meals for the troops; it was anticipated that, at least for the first half of March 1995, the troops would be paid a mission subsistence allowance. The Committee was also informed that, as per standard practice, rations were sometimes provided from the contingents' own stocks for a period of 60 days if the Mission was not ready to provide them during that period and that such costs were reimbursed as consumables to troop-contributing countries.

20. With regard to the requirements for water, the Advisory Committee notes from paragraph 7 of annex IV of the report that the consumption requirements are 1.2 gallons of drinking-water per person per day. The Committee trusts that with the installation of equipment for water production, purification and storage as described in the paragraphs below, the requirements for bottled water would be reduced considerably.

21. The Advisory Committee notes from paragraph 45 of annex IV that sources of fresh, untreated water had been found to be readily available and that drilling of bore holes by contractual arrangements might be a cost-effective and viable option for supply of water in bulk. While specific costs for this activity have not be identified, an overall figure of $2 million has been estimated under the general heading "Infrastructure repairs", a service that, in the opinion of the Advisory Committee, can also be provided through contractual arrangements (see paras. 39 and 54 below).

22. In addition, an amount of $500,000, as indicated in paragraph 97 of annex IV, has been estimated for supply and installation of water-purification equipment. This would provide for 80 litres of chlorinated water per person per day (5 litres designated as bottled drinking-water) with a storage capacity of 120 litres per person per day for the camps and 30 litres of treated water per person per day with a storage provision of 50 litres per person per day for the working environment. In the opinion of the Advisory Committee this estimate for water consumption appears excessive; the Committee requests that information on water consumption be included in the next budget estimates for UNMIH.

23. Apart from the estimates given for the drilling of boreholes and for water-purification equipment, in the table in paragraph 102 of annex IV a monthly cost of $75,000 has been indicated for water production, storage and distribution within the total budget estimate for contractual services.

24. Of the activities to be undertaken for the production, purification and storage of water, it is not clear from the report which of these activities will be carried out by the contingents and which ones through contractual services. The question was also raised with representatives of the Secretary-General; however, it remains to be clarified. This situation leads one to conclude that there might be a possibility for double budgeting for the same service. Although not recommending a reduction at the present stage, the Advisory Committee requests clarification in the performance report.

25. As indicated in paragraph 12 of annex IV, an amount of $19,792,000 has been estimated for payment to troop-contributing Governments for the use of contingent-owned equipment. The estimates are based on an average reimbursement rate of 10 per cent per annum of an estimated value of equipment per battalion of $50 million. In this connection, the Advisory Committee was informed that the rate of 10 per cent had been used purely for budgeting purposes and that once the standardization plan for reimbursement was in effect as envisaged by the General Assembly in its resolution 49/233, the applicable rates for each category of equipment would be used to effect payment. The Advisory Committee also inquired and obtained confirmation that only equipment, excluding personal clothing, gear and weapons and ammunition but including medical supplies and rations as mentioned in paragraph 18 above, would be reimbursed to Member States

against this budget item; services would not be reimbursable as "contingent-owned equipment".

26. The Advisory Committee is of the opinion that there is a need to clarify the elements used in the calculation of reimbursement for contingent-owned equipment. The Committee was informed in the context of its examination of these estimates, as well as the estimates for the United Nations Assistance Mission for Rwanda (UNAMIR) (A/49/375/Add.2) and its examination of the report of the Secretary-General (A/49/714 and Add.1 and Corr.1) on disposition of the United Nations Transitional Authority in Cambodia (UNTAC) assets, that reimbursement included consumables (such as water, food, and medical supplies), and purchase and lease of equipment. The Committee trusts that the exercise carried out pursuant to section II of General Assembly resolution 49/233 will establish criteria for defining the elements to be reimbursed under contingent-owned equipment.

27. On inquiry, the Committee was informed that an amount of $1,100,000 for site preparation indicated in the budget document under "Construction/prefabricated buildings" (annex IV, para. 39) would be reimbursed to two Governments whose troops had undertaken the task of site preparation. Payment would be made against reimbursement for troop costs and transportation of contingent-owned equipment. As indicated to the Committee, the services performed in that connection consisted of site and field defence preparation, installation of perimeter lighting, construction of recreation facilities and infrastructure repairs. The Committee believes that such tasks as indicated in the report could be performed by the engineering troops themselves in the normal course of carrying out their assignment to the Mission. Furthermore, those services could also be provided by the contractor.

28. The Advisory Committee was also informed that the United Nations is in the process of negotiating the provision of a medical services utility field hospital with a Member State and that the costs will be reimbursed under the rules pertaining to contingent-owned equipment; the medical supplies used by the field hospital will be reimbursed as consumables under contingent-owned equipment arrangements while the medical services provided by hospital personnel would be funded under troop cost reimbursement at the standard rate. The Committee notes that these costs have not been clearly identified in the report nor has any information been provided for the Committee to be able to assess whether those supplies and services could have been provided in a more cost-efficient manner.

29. The Committee notes from paragraph 105 of annex IV that an amount of $81,400 has been estimated for medical treatment and services and $841,000 for medical supplies (para. 110). The Committee was informed that those estimates covered reimbursement for the vaccination of contingent personnel and routine medical services rendered to civilian staff not covered by the field hospital.

Civilian personnel costs

30. The Advisory Committee believes that the levels and numbers of international civilian personnel as indicated in paragraph 17 of annex IV of the report are high; the Committee strongly recommends that the Secretary-General

review the request. Given the absence of justification of the functions to be performed and the quantification of the workload, there appears to be widespread overlapping of tasks between military, civilian and contractual staff. In view of the presence of military battalions in the mission area performing services in engineering, logistics, communications, transport and movement control, there appears to be no justification for civilian staff in such large numbers in those same areas. Similarly, potential for overlapping exists in the area of security. The Advisory Committee was informed that civilian security personnel would assist in providing security for military installations. The Committee requests that the need for such a large number of United Nations security officers (see annex VI), as well as the need for provision of an amount of $150,000 for additional local security services (annex IV, para. 104), be reviewed in the light of the actual situation and experience.

31. The Advisory Committee questions the number of economic/humanitarian advisers; the Committee requests that in his next report on UNMIH the Secretary-General provide clear information on the relationship between this Mission and humanitarian and human rights activities including the International Civilian Mission in Haiti (MICIVIH). Furthermore, such information should indicate the extent to which UNMIH provides financial, administrative and logistic support to those entities.

32. With regard to the mission subsistence allowance rate as reflected in the cost parameters in annex IV, the Advisory Committee notes that the rate of $124 for the first 30 days and $84 thereafter denotes a change from the rates shown for the previous financial period. Upon inquiry, the Committee was informed that the same rate of mission subsistence allowance had been used throughout the country since it was believed that this would ultimately be more cost-effective given deployment and redeployment of staff to the various sites during the Mission's existence and the administrative work involved in keeping track of those deployments. The Advisory Committee questions the procedure whereby the same rate has been applied for the whole country; it recalls that, pursuant to General Assembly resolution 49/233, the Secretary-General will be reviewing the entitlements of staff assigned to field missions, including the purpose of and basis for the establishment of mission subsistence allowance, and reporting to the Assembly at its fiftieth session.

33. The Advisory Committee believes that the estimate for common staff costs ($6,237,300) as mentioned in the report (annex IV, para. 23) contains elements of expenditure that will not be applicable to Haiti. The Committee recalls that common staff costs include estimates for such items as pension contribution, education grant and so on. Consequently, it does not believe that all these expenditures will arise, nor will the entire amount of $202,800 (para. 25) be required for emplacement travel.

34. The Advisory Committee notes that provision of $1,133,300 is made for 29 United Nations Volunteers (para. 28); the Committee was informed that 14 additional Volunteers were being financed from the Trust Fund for Electoral Assistance to Haiti. The Committee questioned the need for a unit simply to provide administrative backstopping for such a small number of Volunteers and recommends that it not be established. In a related matter, the Committee believes that more efforts should be made to hire mission appointees, a practice

that would prove more cost-effective than assignment of staff from other duty stations.

35. In view of its comments and observations in the paragraphs above with regard to civilian personnel costs, the Advisory Committee recommends that the General Assembly approve an overall amount of $19 million for provision of these services. This involves a reduction of $6,073,000 from the Secretary-General's request of $25,073,000. The Committee requests that the number, level and functions of civilian staff be reviewed by the Secretary-General, taking into account the services that are available through contractual arrangements and through the use of the military logistics unit, and report the results in his next report on UNMIH.

Premises: rental, construction, alteration

36. A total of $15,107,600 has been estimated for premises/accommodation, of which $9,096,200 relates to construction of prefabricated buildings, $3,332,000 relates to rental, $594,600 to alterations and renovation of premises, $150,400 to maintenance supplies and services, and $1,934,400 to utilities (annex IV, paras. 31-39).

37. In the opinion of the Advisory Committee, the cost of rental as indicated in paragraph 31 (a) to (c) seems rather excessive. From the additional information provided to it, the Committee notes that in the Port-au-Prince and Cap Haïtien area all the sites utilized by the Multinational Force will be taken over by UNMIH, including warehouse sites and a site that, the Committee was informed, was waterlogged and thus of little use or value. The Committee was not provided with the terms of the arrangements for assuming the lease(s). It believes that since the size and mandates of the Multinational Force and UNMIH are dissimilar, it should not be necessary for UNMIH to take over all of the Multinational Force facilities. In the opinion of the Advisory Committee, it is essential that a careful analysis be undertaken with a view to determining the most cost-effective method of acquiring goods and services that are appropriate for the size and mandate of the Mission beyond 31 March 1995. The Committee recommends that maximum efforts be made to obtain premises from the host country and to ensure that the United Nations is not charged rent in excess of the prevailing rates. In this connection, the Advisory Committee was informed that the Status-of-Forces Agreement was signed between the Government of Haiti and UNMIH on 15 March 1995.

38. The Advisory Committee notes the requirements for office space and dormitory modules, as indicated in paragraphs 37 and 38 of annex IV. As indicated in the table in paragraph 39, the cost per module has been estimated at $6,200, as compared with $4,500 per module used, for example, in the United Nations Protection Force (UNPROFOR). On inquiry, the Committee was informed that the cost per module was not based on any bid but was only an estimate and that the price increase was projected as the result of changes to the standard specifications. The Advisory Committee believes that standard specifications should be developed for the various climate conditions in which the United Nations is likely to operate with a view to eliminating additional costs due to "customizing".

Infrastructure repairs

39. A description of the existing infrastructure and the required repairs to be undertaken through contractual arrangements has been given in paragraphs 40 to 46 of annex IV; an amount of $2 million has been estimated for this purpose, although, as stated in paragraph 46, "precise requirements for the installation, repair, maintenance and upkeep of the infrastructure described above will be defined by the staff of engineering services". The Advisory Committee requested but did not receive further details as to the findings and recommendations of the engineering services. Furthermore, the Committee believes that the services outlined in paragraphs 40 to 46 could also be performed by the logistics support service contractor (see annex IV, paras. 101 and 102) and if this is the case there may be an element of double budgeting in a separate estimate of $2 million, particularly for administrative overheads and labour (expatriate and local). The Advisory Committee requests information on this in the next report on UNMIH. In the meantime, the Committee recommends a reduction of $1 million.

Transport operations

40. Estimates for land, air and sea operations are given as $13,888,000, $19,235,300 and $3,772,800 respectively.

41. With regard to the purchase of vehicles, the Advisory Committee notes that the estimate of $5,745,100 provides for 157 vehicles based on the requirements of a total of 532 United Nations-owned vehicles and 1,400 contingent-owned vehicles. Of the total of 532 vehicles, the Committee notes from paragraph 48 of annex IV that 167 have already been purchased for the advance party, while 208 will be provided from other missions in liquidation; for these only provision for freight ($661,500) will be necessary, leaving a net total of 157 to be purchased. Nevertheless, for an area of operation as small as Haiti, the Advisory Committee does not believe that a total as large as 532 United Nations-owned vehicles and 1,400 contingent-owned vehicles is justified. The Committee was informed that no vehicles of the Armed Forces of Haiti (FADH) had been left behind. However, in view of the situation, the Committee believes that every effort should be made to trace the vehicles in order to supplement or reduce the vehicle establishment of UNMIH.

42. The Advisory Committee notes from annex IX that a total of 429 4x4 jeeps are being requested for the Mission. In this connection, since 120 of these vehicles have already been made available for the advance party (annex II, para. 36) and 200 are to be transferred from other missions (see the table in annex IV, para. 48) for a total of 320, the Advisory Committee recommends against the purchase of additional jeeps; the budget estimates should accordingly be reduced by $2,234,500, with a further reduction of $383,600 in respect of the related requirements for spare parts, petrol, oil and lubricants, and insurance.

43. The estimate of $19,235,300 provides for hire/charter costs from Governments for (a) eight Huey (UH 1N) and four Chinook (CH-47) helicopters ($16,465,400) and related fuel and lubricants costs ($1,670,100), and (b) for hire/charter costs for one fixed-wing Fokker-27 aircraft ($819,400) and related fuel and lubricants ($280,400).

44. Utilization of the helicopters and aircraft is described in paragraphs 54 and 63, respectively. The Advisory Committee was informed that one contingent might have an additional eight Chinook helicopters for its own deployment. As indicated in paragraph 54 and confirmed by the representatives of the Secretary-General, the Chinook helicopters are required for transportation of heavy equipment as well as for rapid deployment of the force in the event of an outbreak of violence or disturbances, particularly in the first two months after the transition from the Multinational Force to UNMIH. The Advisory Committee trusts that the requirements for helicopters will be reviewed once the transitional period is over.

45. The Advisory Committee notes that it is estimated that each of the eight Huey helicopters will fly 60 hours per month at a monthly rental cost of $112,500 per helicopter, as compared to the norm of 75 hours in other missions, while each of the four Chinook helicopters are estimated to fly 40 hours per month at a monthly rental cost of $208,300 per helicopter. The Advisory Committee was informed that the aircraft charges are charged per flight/hour flown.

46. An estimate of $1,699,200 has been included for the rental of landing craft units, as indicated in paragraph 71, at a rate of $70,800 per unit; three units are proposed to be rented for the first two months ($424,800) and two for the remaining nine months ($1,274,400). As indicated in paragraph 72, an estimate of $60,000 has been included for the purchase of four additional light water-craft boats at a cost of $15,000 each; two of these boats have already been purchased during the period from 1 August 1994 to 31 January 1995. In this connection, the Advisory Committee notes the comments in paragraphs 71 and 72 of annex IV that the roads in the country are in extremely poor condition; the Committee trusts that with the substantial investment in infrastructure repairs as indicated in the budget document as well as donor assistance for that purpose, the need for landing craft units will be reviewed, in addition to the review that should be made at the end of the first rental period of two months.

Communications

47. The total estimate for communications has been indicated as $9,301,400, with estimates for individual components broken down as follows: communications equipment $5,941,500; spare parts and supplies $1,075,600; workshop and test equipment $315,000; and commercial communications $1,969,300, of which $1,575,000 covers user charges for 16 INMARSATs for four months. The Committee was provided with extensive additional information in this connection; it notes that an attempt has been made to provide a system that will meet every eventuality.

48. The static satellite communications equipment, as indicated in paragraph 77, will be the backbone of the network, providing nationwide coverage as well as communications between UNMIH headquarters in Haiti and New York; it will provide telephone, facsimile and data communications facilities. The network comprises four 3.7-metre earth stations for internal communications and one 4.6-metre hub station for external linkage as well. The Advisory Committee was informed that the system was already in operation and that it also served MICIVIH.

49. As indicated in paragraph 82 of annex IV, INMARSAT "M" terminals would be required until the static satellite communications equipment was installed, after which the terminals would be used as emergency back-up. Given that the estimate also provides for a mobile two-way radio back-up communications system, in addition to a cellular telephone system, and since the static system has already been installed, the Advisory Committee recommends against the acquisition of the 16 INMARSAT terminals ($288,000) and incurring of initial user charges for four months ($1,575,000).

50. The Advisory Committee notes from the table in paragraph 80 that there is also considerable contingent-owned communications equipment in situ. In view of that, the Committee questions the need for all the 576 mobile two-way radio units and 972 portable units, in addition to 20 portable cellular telephones. The Advisory Committee recommends a reduction of 50 per cent in the estimates of $420,000 for the cellular telephone system and $1,152,400 for the conventional two-way radio system.

Office furniture and equipment, including electronic data processing

51. Estimates for office furniture and equipment are given as $805,000 and $355,000, respectively, while data-processing equipment has been estimated at $809,200 (annex IV, paras. 84-86). The Advisory Committee is of the opinion that some of this equipment could be transferred from other missions being liquidated and be cost-effective, notwithstanding the differences in voltage or shipping costs. Considering the expected relatively short duration of UNMIH and the fact that some of the equipment had already been provided during the previous mandate period, the Advisory Committee recommends that the expenditure for office furniture and equipment should not exceed $600,000 and that for data-processing equipment should not exceed $500,000.

Generators

52. The estimate for generators has been given as $1,361,600 and provides for a total of 72 generators. The Advisory Committee understands that a number of the generators will be acquired from the Multinational Force; that being the case, the Committee sees no reason for the generators to be budgeted for at full price. It is of the opinion that a reasonable estimate for provision of generators should not exceed $800,000.

Miscellaneous equipment

53. The Advisory Committee notes from paragraph 94 of annex IV of the report that an estimate of $2,231,100 has been proposed for the purchase of heavy capital equipment to be acquired from the Multinational Force for use by the commercial contractor. The latest information provided to the Advisory Committee indicates that the exact items to be purchased have yet to be determined. Under the circumstances and in line with the recommendations in paragraph 39 above, the Advisory Committee recommends an estimate of $1.5 million; this represents a reduction of $731,100.

Contractual services

54. The estimate of $15,607,500 for contractual services does not include the supply of equipment or materials. In this connection, the Advisory Committee believes that full disclosure should be made of items estimated under contractual services. Accordingly, the Committee requests that in his next budget estimate for UNMIH the Secretary-General provide detailed information on the estimated numbers and related salaries, entitlements and other expenditures for the expatriate and local labour force used by the contractor. Information should also be provided on other elements that may be covered under "Contractual services".

55. Furthermore, the Committee believes that with the availability of 2,221 military logistics personnel, a number of services indicated in the table in paragraph 102 could be performed by the contingents and need not be contracted out.

56. The Committee was informed that the contractual services as envisaged in the report had been advertised for bids and that 11 contractors had responded. However, neither the identity of the contractor nor the final costs will be known until 28 March 1995, when the bids will be reviewed and approved by the Committee on Contracts. However, the Advisory Committee was informed that an amount of $2,501,800 had already been obligated without bids by way of letters of assist through one Government. The Committee's views in this regard are reflected in paragraphs 10 and 11 above. A copy of the contract to be entered into for services was made available to the Advisory Committee.

Public information programmes

57. An amount of $300,000 has been estimated for public information programmes for provision of equipment and services, as indicated in paragraph 120, exclusive of personnel costs. However, in this connection, based on the information provided in annex VII of the report, the Advisory Committee recommends that the Secretary-General examine the possibility of combining the post of Public Information Officer (P-5) with that of the Spokesman (P-4). With regard to the information programmes, while the Committee does not object to the services indicated, it recommends that any costs involved in production of programmes for CNN should not be borne by the United Nations.

Audit services

58. The Advisory Committee notes from paragraph 100 that an amount of $23,800 has been estimated for external audit services. The Committee was informed that requirements for a resident auditor would be reviewed as the situation develops and that it was envisaged that internal audit coverage would be provided by teams of visiting auditors.

Training programmes

59. The total estimate for training, as indicated in paragraphs 123 and 124, amounts to $970,000. However, the Advisory Committee understands that part of that amount has already been expended for a training programme, although no

details have been provided to it. The Committee is aware that, as indicated in paragraph 123, the training had to be held prior to the transition of the operation from the Multinational Force to UNMIH; nevertheless it is essential that details of such training programmes already undertaken or envisaged for the future be provided in order to enable the Committee to ascertain the actual requirements. Furthermore, the Advisory Committee has not been fully informed as to the role of the non-governmental organizations involved in the training programme and the basis for their selection; the Committee believes that, in general, costs for training of non-governmental organizations should not be borne by assessed contributions for peace-keeping operations. Accordingly, the Committee recommends that the amount of $32,700 for travel and per diem for 15 personnel of non-governmental organizations, as well as $12,500 for rental of buses, should not be included in the estimates.

60. In paragraph 124, an amount of $820,000 has been indicated for supplies for training an initial force of 3,000 Haitian police in 10 regional offices; items such as uniforms, personal gear ($2,000 per office per month) and radios (at $200 per person) are proposed. As indicated in the report of the Secretary-General to the Security Council of 17 January 1995, 3/ a number of countries have expressed willingness to help the Haitian police with various types of equipment, such as gear and radios, as well as uniforms; it would therefore appear that the budgeted amount of $820,000 may not be required.

Conclusion

61. Bearing in mind its comments and observations made in the paragraphs above, the Advisory Committee recommends that the costs for UNMIH for the period from 1 February to 31 December 1995 not exceed $257,556,300.

62. For the period from 1 July 1994 to 31 January 1995, the Advisory Committee does not recommend assessment of the additional amount as requested by the Secretary-General in paragraph 34 (b) of his report until such time as a performance report for the period has been reviewed.

Notes

1/ S/1995/149.

2/ S/1995/46 and Add.1.

3/ Ibid., p. 84.

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23 March 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND
HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 22 March 1995 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the enclosed letter, of today's date, from my President addressed to you.

May I ask for your kind assistance in circulating this letter as a document of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

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ANNEX

Letter dated 22 March 1995 from the President of Bosnia and Herzegovina addressed to the Secretary-General

There is a steadily growing gap between the mandate of the United Nations Protection Force (UNPROFOR) as provided for by the Security Council and the actual implementation of that mandate. In view of the fact that it was actually always necessary to strengthen those mechanisms, including the UNPROFOR mandate, that promote the cause of peace and humanitarian efforts, this negative tendency towards the erosion of the mandate is most disconcerting at this time.

Therefore, it is imperative that a thorough review be undertaken of both the current Security Council mandate with respect to UNPROFOR and its actual implementation before it is extended beyond 31 March 1995. There are numerous factors as well as developing events that should be considered in this review, including: the changes for UNPROFOR in Croatia and Macedonia; the expiration of the cease-fire in Bosnia and Herzegovina; the reluctant peace process; Serbia and Montenegro's failure to recognize its neighbours; the deteriorating humanitarian situation; the failure to lift the siege of Sarajevo or even to assure the "blue routes"; the harassment of the operations at Sarajevo airport and access routes therefrom; the violation of the exclusion zone around Sarajevo and Goražde as well as the continuing incursions into the other "safe areas"; the persistent onslaught against Bihać, especially through the violation of our international border with the Republic of Croatia; impeding of humanitarian aid convoys; continuing ethnic cleansing in areas under Serbian occupation; and escalating violations of the "no-fly" zone.

Because the expiration of the current UNPROFOR mandate on 31 March 1995 is a relatively short time away, we would be willing to favourably consider extending the existing mandate for a period of no more than 30 days to accomplish this comprehensive review. We look forward to contributing positively in this review and are prepared to endorse measures designed to promote the peace process, improve effectiveness and the humanitarian situation, and secure the territorial integrity and sovereignty of the Republic of Bosnia and Herzegovina.

(Signed) Alija IZETBEGOVIĆ
President

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PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

Programme budget implications of draft resolution A/49/L.64

Report of the Fifth Committee

Rapporteur: M. Larbi DJACTA (Algeria)

1. At its 48th meeting, on 27 March 1995, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/49/61) on the programme budget implications of draft resolution A/49/L.64. The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman.

2. Statements and comments made in the course of the Committee's consideration of this item are reflected in the relevant summary record (A/C.5/49/SR.48).

DECISION OF THE FIFTH COMMITTEE

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution A/49/L.64, an additional appropriation amounting to $9,423,100 would be required under section 4, Peace-keeping operations and special missions, of the programme budget for the biennium 1994-1995 for activities during the period from 1 April to 30 September 1995, it being understood that the activities relating to the United Nations Mission for

the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) are of an extraordinary nature and should continue to be dealt with outside the procedures related to the contingency fund, as provided for in paragraph 11 of annex I to General Assembly resolution 41/213 of 19 December 1986. An additional appropriation of $769,000 would also be required under section 28, Staff assessment, to be offset by the same amount under income section 1, Income from staff assessment.

4. Furthermore, should the General Assembly decide at its fiftieth session to extend the mandate of MINUGUA beyond 30 September 1995, the Secretary-General would be authorized to enter into commitments in an amount not to exceed $4,711,500 under section 4 of the programme budget for the biennium 1994-1995 for activities during the period from 1 October to 31 December 1995.

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Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 28 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

We have reviewed your report of 22 March 1995 (S/1995/222) with care. It initiates an analysis of numerous factors that impact the future of the United Nations mission within the relevant Republics and of the potential for the successful implementation of the mandate thereof. While the report is a start, it unfortunately leaves many of the most crucial issues relevant to the current discussion unanswered or even unaddressed. Furthermore, it contains some significant assertions of fact, omissions and/or conclusions to which we would like to respond, but in the interest of focus and brevity, herein we will address only the absolutely essential.

We are most disappointed that the report does not address most of the concerns brought out in President Izetbegovic's letter to you of 22 March 1995 (S/1995/216). In particular, we find it unsatisfactory that the report has not proposed modalities and a time-frame for the review of the mandate of the United Nations mission within the Republic of Bosnia and Herzegovina and the implementation thereof. This does not provide our Republic with the necessary comfort, under these circumstances, to extend the current mandate of the United Nations Protection Force (UNPROFOR).

Next, we cannot acquiesce in the omission of our Republic's name from the title of the United Nations mission that is operating in our Republic, and therefore cannot accept the proposals contained in paragraph 84 of the report. This is an unwarranted offence to our sovereignty and territorial integrity which, after all, has been at the core of this conflict. More interestingly, the proposed designations run counter to the entire focus of the Contact Group at this time, which is ostensibly striving to gain the recognition of the Republic of Bosnia and Herzegovina and its sister Republics by the Federal

Republic of Yugoslavia (Serbia and Montenegro). After all, as stated in paragraph 56 of the report, it is the status-of-forces agreement with the Republic of Bosnia and Herzegovina that regulates UNPROFOR's presence in that country.

We would like to highlight also the following in the report, which further contributes to our dismay and concern:

(a) In paragraph 4 of the report, it is stated that:

"Also of great concern are the military alliances that have been formed in the area, including the Joint Defence Council established between the Krajina Serb and Bosnian Serb armies on 19 February 1995 and the formation of the Joint Defence Council between the Croatian Government and the Federation of Bosnia and Herzegovina on 6 March 1995."

Even putting aside the distinction between aggressor and victim, this sentence equates, on the one hand, the formal union of Serbian paramilitary forces actively violating and committed to the destruction of the territorial integrity and sovereignty of two United Nations Member States and, on the other hand, the defensive cooperation between the Republic of Bosnia and Herzegovina and the Republic of Croatia, whose objective is the preservation of such territorial integrity and sovereignty, as well as the protection of our citizens, consistent with the unabridgeable right to individual and collective self-defence engrained in the Charter of the United Nations. The disregard of these most basic distinctions makes us ever more vigilant in our cooperation with the Secretary-General's office in defining, reviewing and/or extending the United Nations mission within the Republic of Bosnia and Herzegovina;

(b) We can certainly agree with the assertion in paragraph 78 that the United Nations force within the Republic of Bosnia and Herzegovina "can do little but to delay rather than prevent a renewed outbreak of hostilities". What concerns us is that the report fails to state that the Government of the Republic of Bosnia and Herzegovina has compromised and unequivocally accepted the Contact Group peace initiative, while the Pale Serbs have not. Since this is the determinant obstacle to further political progress in the peace talks, we must question the motive of this most obvious of omissions and can at best decipher, once again, an attempt to equate the compromising with the non-compromising, the victim with the aggressor;

(c) While citing on several occasions the "no-fly zone", "air-to-ground support" for UNPROFOR by the North Atlantic Treaty Organization (NATO), the deterrent of air strikes by NATO and the overall cooperation between the United Nations mission and NATO in the Republic of Bosnia and Herzegovina, we are surprised by the absence of any mention of the newly deployed anti-aircraft systems within the Republic of Bosnia and Herzegovina. These new anti-aircraft systems are a direct challenge to both the United Nations and the NATO missions and the most serious threat to their personnel. This new challenge and threat is the most significant new factor directly and negatively altering the humanitarian, military and political environment. This was one of the major motivations behind the President's request for the comprehensive review contained in his letter of 22 March 1995;

(d) The report, over all, stresses UNPROFOR's Chapter VI approach to its mandate while marginalizing, even disregarding, the Chapter VII authority adopted in relevant Security Council resolutions. In our view, this acquiesces in the steady erosion of UNPROFOR's mandate and widens the gap between resolutions adopted in the Security Council and their implementation on the ground, further raising the urgency of a review.

As previously indicated, we remain prepared to engage in a constructive dialogue and close cooperation. We are sad to conclude that the report does not provide, as yet, a vision for this dialogue and cooperation. We await clarification regarding the key concerns outlined in our President's letter of 22 March 1995.

May I ask for your kind assistance in circulating this letter as a document of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Ivan Z. MISIC
Deputy Permanent Representative
Chargé d'affaires a.i.

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QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 29 March 1995 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex, which contains a letter dated 29 March 1995 sent to you by His Excellency Atay A. Raşid, Minister for Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus, would be circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) İnal BATU
Ambassador
Permanent Representative

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ANNEX

Letter dated 29 March 1995 from Mr. Osman Ertuğ addressed to the Secretary-General

I have the honour to enclose herewith a copy of a letter dated 29 March 1995 addressed to you by H.E. Mr. Atay A. Raşit, Minister for Foreign Affairs and Defence, in connection with a previous letter addressed to you by the Greek Cypriot Foreign Minister, Mr. Alecos Michaelides (A/49/865-S/1995/202).

I shall be grateful if the present letter and its appendix are circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

APPENDIX

Letter dated 29 March 1995 from Mr. Atay A. Ragit addressed to the Secretary-General

I would like to refer to a recent letter addressed to you by Mr. Alecos Michaelides, the Foreign Minister of the Greek Cypriot administration, which was circulated as General Assembly and Security Council document A/49/865-S/1995/202 dated 16 March 1995, and to bring to your kind attention the following:

The apparent aim of the said letter, which is written ostensibly to protest against certain statements made by President Rauf Denktaş and Turkish Government officials in connection with the purported membership of "Cyprus" in the European Union (EU), is to keep the Cyprus issue high on the agenda of the international community by exploiting, for propaganda purposes, the current hiatus in the process of negotiations during the electoral period in Northern Cyprus. Furthermore, it sets out to confuse the issue of "integration", by glossing over the fact that it is the Greek Cypriot side which is after integration with Greece through various means, which may ultimately force the Turkish Cypriot side to take legitimate reciprocal measures in defence of its equal rights and very survival.

From the beginning, the Turkish Cypriot side has made its position on EU membership abundantly clear. There can be no doubt that the application to join the EU was made unilaterally by the Greek Cypriot side under the usurped title of the "Government of Cyprus". It is, therefore, devoid of any credibility and legal and moral basis, and cannot be binding on the Turkish Cypriot side or Cyprus as a whole.

The Zurich and London Agreements, which had established the bi-communal 1960 Republic of Cyprus, prohibited the membership of the Republic in international organizations and pacts of alliance in which Greece and Turkey are not both members. The Foreign Ministers of Turkey, Greece and the United Kingdom of Great Britain and Northern Ireland, only a few days before the signing of the Zurich and London Agreements on 19 February 1959, had agreed that the parties should "avoid the possibility of either Greece or Turkey securing a more favourable economic position in Cyprus than the other - of Greece for example, establishing a kind of economic enosis (union)".

The intention set out above was given effect in point 8 of the Zurich and London Agreements by expressly providing that the President or Vice-President would have, inter alia, the right of final veto on any law or decision concerning "the participation of the Republic of Cyprus in international organizations and pacts of alliance in which Greece and Turkey" do not both participate.

The clear intention of the parties to the Zurich and London Agreements, as expounded above, and the mandatory provision of the second paragraph of article 1 of the Treaty of Guarantee of 1960, which states that the partnership Republic of Cyprus established in 1960 under the said Treaties "undertakes not

to participate, in whole or in part, in any political or economic union with any State whatsoever", cannot be disputed and proves the intention to maintain an equitable balance between the respective interests of the two constituent communities and the Guarantor Powers on Cyprus.

Although the Greek Cypriot side, in collaboration with Greece, has systematically violated and tried to destroy the above-mentioned Agreements (vis., the repeated armed attacks on the Turkish Cypriots between 1963 and 1974 and the coup d'état of 15 July 1974, all aimed at annexing Cyprus to Greece or enosis), thanks to the resistance put up by the Turkish Cypriots and the timely, legitimate intervention by Turkey following the Greek coup of 1974, the underlying consideration of, and "state of affairs" created by, the 1960 Treaties are still in force. Contrary to Mr. Michaelides' allegations, therefore, Turkey protected the International Agreements on Cyprus while Greece and the Greek Cypriots have consistently violated and tried to destroy their very basis.

In your relevant report to the Security Council, you have confirmed that "Cyprus is the common home of the Greek Cypriot community and of the Turkish Cypriot community. Their relationship is not one of majority and minority, but one of two communities in the State of Cyprus" (S/23780 dated 3 April 1992). The political equality of the two communities, on the other hand, has been reaffirmed both by that report and by the relevant resolutions of the Security Council.

Bearing in mind the legal foundation of the 1960 bi-communal Republic of Cyprus, the above legal considerations and the internationally acknowledged equal political status of the constituent communities of Cyprus, it is clear that, as laid down in paragraph 92 of the United Nations "Set of ideas" of 1992 (S/24472, annex), the membership of "Cyprus" in the EU as an "undivided island" is a matter which must be discussed and agreed upon by the authorized representatives of the two constituent peoples of the island before being submitted to their approval in separate referendums.

The efforts of the Greek-Greek Cypriot duo to integrate South Cyprus with Greece is not limited to membership in the EU alone. These efforts, which started long ago, continue unabated and have recently been given new impetus, particularly by the so-called "joint military doctrine" which effectively brings the South "within the defence zone of Greece". The process of hiring up to 5,000 professional soldiers from Greece to join the ranks of the Greek Cypriot National Guard has started and an agreement has been signed between Greece and South Cyprus which enables Greeks and Greek Cypriots to acquire dual citizenship. Preparations are under way to provide Greece with air-force and naval bases in South Cyprus, and the arming frenzy, which has again been stepped up, is reported to be getting a further boost by 50 more tanks which will be sent from Greece for use by the Greek Cypriot National Guard (see Greek Cypriot daily Agon dated 19 March 1995). The Greek Cypriot leadership is publicly committed to building up the armoured units of the "National Guard" to include as many as 500 tanks, including some of the most advanced in the world.

In the meantime, there is no shortage of public statements from the Greek Cypriot leadership as to the purpose of these militarization efforts. Explaining the purpose of the "joint military doctrine" as "being ready for war", the leader of the Greek Cypriot community, Mr. Clerides, in an interview with the mainland Greek newspaper Eleftheros Tipos, which was also reprinted in the local Greek Cypriot press on 19 March 1995, has stated that "the Joint Defence Doctrine is not merely on paper, it is being implemented effectively and with determination". He further stated that "those who believe that Greek war-planes will not go beyond running demonstration flights over our skies are deceiving themselves".

On the other hand, the Interior Minister of the Greek Cypriot administration, Mr. Dinos Michaelides, in a message he sent to Greek Cypriots living in the United States of America, is reported to have made the following belligerent remarks:

> "I would like to assure you that the 21-year-old occupation has not frustrated our struggling people. With the help of Greece, which is our mainstay of support, and that of Hellenes all around the world, we shall continue the struggle no matter how many sacrifices it requires ... This struggle will not end until our occupied lands are liberated and we freely set foot on Kyrenia, Morphou, Famagusta, Karpas, Kythrea and Lapitos" (towns in Northern Cyprus).
>
> (Greek Cypriot daily Mahi of 16 March 1995)

The joint Greek and Greek Cypriot front, which has caused so much bloodshed and suffering in the island with its campaign to create a purely Greek Cyprus, ultimately causing the division of the island, and which is consolidating this division by continuing to claim the whole island for itself, certainly has no right to complain about the inevitable consequences of its own actions. Cyprus, as had also been stated by Archbishop Makarios in his speech before the Security Council on 19 July 1974, four days after the coup, was "invaded by Greece", not by Turkey. The seat of Government which, by the Agreements of 1960, must belong to both communities as partners, has, since 1963, been illegally occupied and monopolized by the Greek Cypriot side. This is the real and the only occupation which continues in Cyprus.

On the other hand, it is ironic that a mentality which has attempted to annex the whole island and continues to entertain irredentist designs on Cyprus, in flagrant violation of international law and all norms governing peaceful relations among nations, can feel eligible to interfere with and complain about proposed amendments to existing legislation in the Turkish Republic of Northern Cyprus regarding utilization and ownership of property in the North. The record shows that one of the main features and root causes of the Cyprus conflict has been the Greek Cypriot attempt to dispossess the Turkish Cypriots of their lands and properties, and to marginalize them politically and economically, if not destroy them altogether. As part of this sinister policy, thousands of acres of Turkish Cypriot-owned land has been transferred to Greek Cypriots either illegally or by coercion, particularly since 1955, including Vakf (Muslim religious trust) land, which, by law, is not transferable.

At a time when the Greek Cypriot side itself has been enacting legislation concerning the utilization of Turkish Cypriot immovable properties in the South (Law No. 139/1991), Greek Cypriot allegations concerning properties in the North are baseless and designed to mislead. The Greek Cypriot administration has, in effect, been issuing ownership certificates to their citizens for houses built on the Turkish Cypriot property and are requisitioning Turkish-owned property. The Greek Cypriot daily Phileleftheros reported on 2 February 1995 that 4,600 Greek Cypriots who have houses built on Turkish Cypriot property are expected to be issued possession certificates soon. It is reported that the matter, having been reviewed by the relevant "Parliamentary Committee", will be submitted to the Greek Cypriot Council of Ministers by the Interior Ministry shortly, with the proposal for the issuing of title deeds.

As you are aware, the property rights and title deeds issue is a by-product of the conflict in the island. As such, the issue can only be settled through the negotiations, and on the basis of the already agreed principles of bi-zonality and bi-communality.

Meanwhile, Greece and the Greek Cypriot side would be well advised to stop spreading false propaganda against Turkey and the Turkish Cypriot side and focus on the negotiating process aimed at the establishment of a bi-communal, bi-zonal federation in the island, based on the political equality of the two communities. For every unilateral action they take in order to dominate Cyprus at the expense of the Turkish Cypriot community is bound to have consequences for the process of negotiations and a just and lasting solution.

The statements made by President Denktaş and the Turkish Government officials regarding membership in the EU are "a word to the wise", not a threat. The real threat to peace in Cyprus comes from the statements and actions of the Greek Cypriot side itself, to bring the Turkish Cypriots under its domination and claim the whole island. I am sure that the international community will not fail to see the situation in the light of these facts and realities, rather than the baseless propaganda created by the Greek Cypriot side and Greece, and draw the appropriate conclusions.

I shall be grateful if this letter is circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Atay A. RAŞIT
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and Defence